

Visibly Different

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Foreword

In the beginning was the Word, and the Word was with God, and the Word was God. He was in the beginning with God. All things came into being through him, and without him not one thing came into being. What has come into being in him was life, and the life was the light of all people. The light shines in the darkness, and the darkness did not overcome it.

There was a man sent from God, whose name was John. He came as a witness to testify to the light, so that all might believe through him. He himself was not the light, but he came to testify to the light. The true light, which enlightens everyone, was coming into the world. He came to what was his own, and his own people did not accept him. But to all who received him, who believed in his name, he gave power to become children of God, who were born, not of blood or of the will of the flesh or the will of man, but of God.’ [John 1:1-13]

Again Jesus spoke to them, saying ‘I am the light of the world. Whoever follows me will never walk in darkness but will have the light of life.’ [John 8:12]

God’s Word is effective. God speaks, and things come into being; and, by speech, he relates personally to his people. God’s revelation and redemption in and through Jesus form the culmination of the history of salvation. Neither physical birth, nor ethnic descent, nor human effort can make people children of God, but only God’s supernatural work in and through Jesus.

It is of this Jesus that we testify. Not only Creator; but also Saviour. Jesus came to save everyone, lost sinners that we all are. By his atoning death and resurrection, Jesus secured the redemption of all who come to him in repentance and faith.

We believe that our mission is the proclamation of this good news: to present Jesus Christ in the power of the Holy Spirit so that every person in England might come to put their trust in God through Him, accept him as their Saviour and serve him as their King. This is our desire. We hope, we yearn, we pray that what we say and do will have this effect: that people will come to treasure Jesus as Lord, above all.

In the passages from John’s gospel quoted above, the references to life, light and darkness draw on creation motifs. Apart from Jesus we live in darkness. Jesus as the ‘*light*’ brings to this dark world true knowledge, moral purity, and the light that shows the very presence of God.

Jesus means us to walk in the light, to live in the light. He gives us the vision to see who we truly are, in him. Only the light of the world can show us who we are and guide us responsibly through life. Light brings freedom. Walking in the light means we can embrace our individuality as we release our self-centred bias for Jesus’ definition of love. Walking in the light is the road to a full and abundantly bright life. This is our desire for the people of England. We hope, we yearn, we pray that all will come to walk in the light, for their own sake, and for the sake of all our people.

Driven by these imperatives and out of a deep love for the Church of England, and building on three previous CEEC documents, ‘*Guarding the Deposit*’, ‘*Gospel, Church and Marriage*’ and ‘*Glorify God in your body*’, in January 2019 CEEC established a working party to explore how evangelical Anglicans might continue most effectively to testify to the good news of salvation and abundant life in Jesus and most faithfully serve him in England. In 2019 the working party produced a briefing paper.

The production of the briefing paper involved days of meetings, hours of drafting and, above all, endless prayer. The members of the working party and those involved in the process of consultation and review were diverse in terms of gender, marital status and sexuality. They included bishops, archdeacons and priests, doctors, accountants, lawyers, historians, theologians, professors, theological college council members and staff, and more than 50 years of experience on General Synod. They gave of their time at no cost and truly travelled above and beyond the call of duty. To each of them, as Chair, I (Stephen) extend my most sincere thanks.

The briefing paper made a case, both theologically and practically, for remaining within the Church of England, while holding fast to—and taking with complete seriousness—the biblical and traditional teaching on identity, gender, sexuality, singleness and marriage. It did so conscious of the fact that many Anglicans in other parts of the world have not found a way to achieve this; and that, in England, we, too, may not find a way to achieve this, at least in the short-term. The briefing paper sounded a clarion call for unity, both among those who share a common view on these matters (who may be tempted to go their own way in their own time) and among all members of the Church of England (around a way to handle well our disagreements).

The meetings of the working party and the communications between its members were conducted privately and confidentially. It was on this express basis that each had been asked to and did participate. Accordingly, in order to honour this commitment, the briefing paper was and remains private and confidential.

At the CEEC Residential meeting in January 2020 the briefing paper was tabled in confidence and discussed in detail, in plenary and group sessions. It was warmly received and CEEC was unanimous in expressing sincere thanks to the working party for the time, thought and energy devoted to the project. At the conclusion of the discussions, members of the CEEC Working Group were charged with building on the foundation of the briefing paper to produce a document tailored specifically to assist the whole church and particularly evangelical Anglicans.

In order to fulfil its charge, the CEEC Working Group invited the two of us, the working party's Chair and Theological Consultant, to fashion this document. Only that which is irrelevant to the different audience has been removed from the briefing paper. Otherwise the text is taken from the briefing paper. We count it a privilege to have been members of the working party and to have been given responsibility for this further task.

We are very conscious that, in order to know and experience for ourselves what is good and right, Christians need both to possess the light that shows the very presence of God, and to have a clear understanding of moral purity. In our dealings with others we need to be gentle and gracious. The messiness of everyday personal and domestic life will present difficult cases, and clarity on what is good and right does not mean that there are simple solutions to these realities. We must be guided and conduct ourselves accordingly.

For the good of Christ's church and for the glory of the God whom it serves, we pray that this document will assist evangelical Anglicans in discerning how most effectively to continue faithfully to testify to the good news of salvation and abundant life in Jesus Christ and to serve Him in England. How and to what extent can we maintain unity; and how and to what extent are we compelled to be visibly different?

Almighty Lord and everlasting God, we beseech you to direct, sanctify and govern both our hearts and bodies in the ways of your laws and the works of your commandments; that through your most mighty protection, both here and ever, we may be preserved in body and soul; through our Lord and Saviour Jesus Christ, who is alive and reigns with you, in the unity of the Holy Spirit, one God, now and for ever.

Amen.

[Collect for the 8th Sunday after Trinity]

Stephen Hofmeyr, Chair of the working party

Martin Davie, Theological Consultant and member of the working party

26th July 2020

Prologue: What we believe and affirm

As orthodox Christians in the Church of England holding to the faith uniquely revealed in the Holy Scriptures, set forth in the Catholic Creeds and to which the formularies of the Church of England have borne witness (Canon C.15), we affirm the following beliefs:

- We believe that questions of how we are to live well with each other and the world we inhabit must be addressed in the context of an account of the nature of God, our relationship with him and his purposes for us. Ethics and theology are inseparable.
- We believe in a God who is not merely personal, but who is inherently and perfectly relational. God is love, because God is three Persons in one: Father, Son and Holy Spirit, different but equal, in full and unending harmony. Out of love, God created the entire universe, with human beings as the pinnacle of his creation. Being a relational God, he created us for relationship with himself and for a wide range of relationships with each other. He created human beings male and female, different in form but equal in worth, each bearing his image, called together to govern creation on God's behalf. When joined in the distinctive relationship which is marriage, men and women are able to assist in the divine task of governing creation well by procreating, that is, by creating more image-bearers on God's behalf. Their children are also male or female, and they may in turn create yet more human beings. The union of a man and a woman in one marriage is a rich picture of God's own loving nature, displayed in the unshakeable loyalty of husband and wife to each other, their collaborative and creative rule over the world, their mutually respectful delight in each other, their experience of sexual, physical and emotional fulfilment, and their security and contentment. God intended this symbol of his divine attributes to be woven into the nature of human existence and, like all of his works of creation, it is 'very good' (Genesis 1:31).
- We believe that we human beings have individually and collectively rebelled against the rule of this good God over our lives. The alienation caused by this great rebellion has damaged us to the core of our being. It has damaged us personally in body, mind and soul; it has damaged our relationships with each other, and it has damaged the world we were created to inhabit. We have been left both victims and perpetrators of evil. Relationships between men and women have become abusive and manipulative; sex has been diverted from its God-given purposes and even worshipped in place of God; marriage has become a site of struggle and suffering. There is the pain of having children, and the deeper pain of not having them.

The Old Testament reflects the reality of our rebellious state in its numerous stories of sexual failure, promiscuity, violence and loss, yet it also contains the great story of God's plan to forgive this rebellious world and restore it to perfect harmony with himself. That plan is unfolded through the history of a family, which becomes a tribe and eventually a nation under God. Marriage becomes a picture of God's unshakeable commitment to bless this nation, and sexual immorality a picture of their continual temptation to worship other gods.

- We believe that Jesus Christ is God in human form. Through his incarnation, death, resurrection and ascension and his gift of the Holy Spirit Jesus inaugurated a new way for people to relate to God. Regardless of their human parentage, every human being can become a child of God by turning away from their instinctive rejection of God and trusting in Jesus and the reconciliation which he achieved for us.

Marriage, sex, procreation and family life remain important in the lives of God's people, and yet marriage is not the only vocation in which God calls people to serve him. The incarnate Jesus was single and celibate. He taught that marriage as we know it is for this world only. It is destined to be transcended in a new form of human existence in the age to come. He also taught that sexual abstinence for the sake of the kingdom of God is a good calling. Those who have given up marriage and family life for the sake of God's kingdom can nonetheless have spiritual parents, sisters, brothers and children in the new universal family, or household, of God. In his life and by his teaching, Jesus showed that companionship and deep intimacy are possible without sexual intercourse.

- We believe that Jesus and his apostles demanded the highest standards of sexual purity within the church, extending even to the discipline of our imaginations and desires. Marriage is to be transformed by the renewal brought by the Holy Spirit. All Christian brothers and sisters are to love each other with the active, self-sacrificing love of Christ, and Christian husbands are exhorted to display that virtue towards their wives. All Christian brothers and sisters are to treat the interests of others as more important than their own, and Christian wives are exhorted to display that virtue towards their husbands. Christian parents are to ensure that their household is a place in which God's kingdom is at hand, not least in bringing their children up as followers of Christ, and in opening up their home in hospitality to those who have no natural family of their own.

In Christ, differences between men and women are no longer to be a cause of struggle and abuse, but nor are they completely obliterated. They are expressed, celebrated and affirmed, most notably in marriage. Marriage now becomes a picture of Christ's relationship to the church, a cosmic betrothal in which the divine lover waits to consummate his love for his perfect bride at the end of time.

Throughout the two millennia of its existence on earth, the Christian Church has sought to uphold the goodness of these two callings: abstinence and marriage, and the inadequacy of all alternatives. Its success has always been partial. Sometimes vowed celibacy has been excessively valued over marriage, often out of a mistaken rejection of sex as inherently sinful. Sometimes marriage has been excessively valued over abstinence, often with the addition of discrimination and oppression within the household. Sometimes departures from these two callings have been treated as extraordinary sins and punished with excessive harshness; sometimes they have been tolerated in excessive deference to social expectations and pressures. Every human society out of which Christians have been called to live in faithfulness to Christ departs in one way or another from these two callings. Each of us falls short of the holy standards Christ demands of us, and in every age the Church has struggled to maintain her witness to them. Of all these sins we are called to repent. But for all the error and compromise, oppression and indulgence, abstinence and marriage have remained the centre around which an authentically Christian ethic of human sexuality has revolved.

- We believe that these two callings still represent the loving intentions of our Creator for our flourishing as human, sexual, beings. Far from being an unjustified restriction on our best

interests, they are one aspect of the good life Christ calls us to live in him, an integral part of the message of hope we proclaim to our lawless, broken and hurting world.

We cannot abandon God's good provision for us, his human creatures.

Chapter 1. Introduction

1.1. The working party and its mandate

1.1.1. In January 2019 a working party was established by the Church of England Evangelical Council (CEEC) to explore how Evangelicals, and others within the Church of England who also hold to an orthodox¹ view on matters of marriage and sexuality, can flourish while continuing to uphold and proclaim the fundamental Christian beliefs set out above, in both teaching and practice, should the Church of England continue to move away from the orthodox position on these matters. It builds on three previous CEEC documents, *Guarding the Deposit*,² *Gospel, Church and Marriage*,³ and *Glorify God in your Body*.⁴

1.1.2. The working party met together for a day on eight occasions and communicated extensively with each other between meetings. In December 2019 the working party produced a 'briefing paper' for CEEC.

1.2. CEEC and the 'briefing paper'

1.2.1. At the Residential meeting of CEEC in January 2020, the briefing paper was tabled, discussed in significant detail and warmly received. Four questions emerged:

- How can we maintain unity amongst evangelical Anglicans?
- What can be done to provide leadership?
- What work needs to be done next?
- When and how should we engage with the wider Church (i.e. the Church of England and Anglican Communion)?

1.2.2. At the conclusion of the discussions, CEEC charged its Working Group (an elected committee tasked with responsibility between residential meetings to implement a vision agreed annually by CEEC) with the task of building on the foundation of the briefing paper to produce a document tailored specifically to assist the whole church and particularly evangelical Anglicans.

1.2.3. The CEEC Working Group, in turn, invited two members of the briefing paper working party, Stephen Hofmeyr, who acted as the Chair, and Martin Davie, who acted as Theological Consultant, to fashion this document, '*Visibly Different*'.

1.2.4. In this document we have, for the most part, retained the original text of the briefing paper. Only text which is irrelevant to the different audience has been removed.

¹ For the meaning of the term 'orthodox' see paragraph 1.5.2, below.

² CEEC, *Guarding the Deposit*, at http://www.ceec.info/uploads/4/4/2/7/44274161/guarding_the_deposit_apostolic_truth_for_an_apostolic_church.pdf.

³ CEEC, *Gospel, Church and Marriage*, at <http://www.ceec.info/apostolic-faith-and-life.html>.

⁴ Martin Davie, *Glorify God in your Body* (London: CEEC, 2018).

1.3. The purpose of this document

1.3.1. The purpose of this document is threefold:

- To inform the thinking of Evangelicals and others in the Church of England on the matters it covers;
- To make a theological case for remaining within the Church of England but visibly different, should the Church of England change its teaching on these matters;
- To form the basis of concrete proposals from the CEEC to the wider Church of England and beyond regarding delegated episcopal oversight, or the establishment of alternative provincial structures, should these prove necessary at some point in the future in order to safeguard the continuation of orthodox teaching and practice.

1.3.2. In simple terms this is a proposal about how orthodox Anglicans can build for the future on the basis of a sound theological understanding of the current situation in the Church of England and wider British Society.

1.3.3. To continue the image of building, this document is more like an architect's drawings of what a future house might look like than a detailed blueprint for its construction. Details of what is proposed will need to await discussions between orthodox Anglicans, and negotiations between them and others, in specific contexts which we do not yet know about. All we can do at the moment, and all that this document attempts, is to set out in broad strokes what a good future for the orthodox in the Church of England might look like, and what steps should be taken now to move towards that future.

1.4. The contents

1.4.1. The document is in four parts.

1.4.2. **Part I** (Chapters 2 and 3) considers 'Where we are today.'

1.4.3. **Chapter 2**, 'The current situation in British society with regard to same-sex relationships⁵ and gender transition' sets out how growing social and legal acceptance of same-sex relationships and gender transition⁶ reflects the prevalent narrative in our society about (i) emancipation from the constraints of traditional morality and (ii) the correction of historic injustice to people who have lived in a way contrary to that morality. It notes that, in spite of this growing acceptance, there is still deep disagreement about these matters.

1.4.4. **Chapter 3**, 'The current situation in the Church of England with regard to same-sex relationships and gender transition,' considers the development of the Church of England's position with regard to same-sex relationships and gender transition. It explains how the Church of England's

⁵ In this chapter and in the Paper as a whole 'same-sex relationships' means sexually-active same-sex relationships.

⁶ In this chapter, and in the Paper as whole, 'gender transition' means someone who is biologically male or female choosing to self-identify as a member of the opposite sex, or as having some identity that is neither male nor female.

official position on these matters has evolved and the continuing disagreement within the Church of England about them.

1.4.5. **Part II** (Chapters 4 and 5) considers ‘How should we understand and respond to where we are today?’

1.4.6. **Chapter 4**, ‘How should we approach the disagreements in the Church of England over same-sex relationships and gender transition?’ starts by setting out the orthodox Christian narrative as the truth according to which Christians are called to live, and in the light of which they are to understand matters such as same-sex relationships and gender transition. It then explores disagreement in the light of the orthodox Christian narrative and what it means to ‘disagree well.’ Drawing on the work of the *Windsor Report* of 2004 it goes on to explain why same-sex relationships and gender transition are not matters that are *adiaphora*,⁷ but are forms of serious moral error. As a result, orthodox Christians need to differentiate themselves in a visible way from involvement in them, or acceptance of them, although this differentiation need not necessarily take the form of entire separation from an existing church.

1.4.7. **Chapter 5**, ‘The need for differentiation and what form this might take’, then considers what visible differentiation entails. It begins by noting that God’s people are called to live a distinctive way of life for the sake of the mission to which God has called them. It then explains what this distinctive way of life should involve in terms of orthodox Christians distancing themselves from the acceptance of same-sex relationships in both society and the Church. The chapter then goes on to argue that there needs to be structures to support such differentiation, and considers and assesses a range of such structures, including the possible development of new provincial structures.

1.4.8. **Part III** (Chapters 6 and 7) considers ‘What forms should differentiation take in the future?’

1.4.9. **Chapter 6**, ‘The next steps for the orthodox’, looks at what kind of differentiation would be an appropriate response to (a) the status quo and (b) a pastoral concession by the Church of England permitting the holding of services to mark same-sex relationships.

1.4.10. It argues that in response to (a) there needs to be:

- a teaching initiative on the importance of the issues of sexual ethics in general, and of same-sex relationships and gender transition in particular;
- individual and collective action to bear witness to Christian truth on these matters both in the Church and in the public square;
- pastoral support to those with gender dysphoria and same-sex attraction, and their families;
- the development of the Diocesan Evangelical Fellowships as a good way to develop a structure for education and mutual support on these issues.

⁷ As section 4.5 of this document explains, *adiaphora* is a technical term for matters which are not essential in terms of Christian faith and practice and about which Christians may disagree without dividing the Church.

1.4.11. In response to (b) it considers the need for delegated episcopal oversight for orthodox Anglicans in dioceses in the Church of England where the diocesan bishop is prepared to allow the blessing of same-sex relationships; it outlines a proposal for such delegated oversight, but also notes some problems which this proposal raises.

1.4.12. **Chapter 7**, 'A provincial way forward', examines the idea of a provincial solution should the Church of England change its doctrine and liturgy to support same-sex relationships and give further support to gender transition.

1.4.13. **Part IV, Chapter 8**, 'Where we have got to' summarises the argument and lists eight recommendations for action.

1.4.14. The document also has two appendices:

- **Appendix I** - Two examples of possible ways of handling divisions in the Church over human sexuality
- **Appendix II** - Some risks to be aware of

1.5. **How to read this document**

1.5.1. This document presents a single developing argument and should ideally be read as a continuous whole. However, those who wish to do so can read it as a series of separate stand-alone sections.

- Those who want to know where British society and the Church of England stand with regard to same-sex relationships and gender transition should read Part I.
- Those who want to know about an orthodox Christian assessment and response to same-sex relationships and gender transition should read Part II.
- Those who want to know to know how orthodox Christians might differentiate themselves within the Church of England in coming years should read Part III.
- Those who simply want a summary and recommendations should read Part IV.

1.5.2. **A note about vocabulary.** There is no agreed vocabulary to describe those who take different sides in the current disagreements in the Church of England over matters to do with same-sex relationships and gender transition. For the purposes of this document, the term 'liberal' means those people who support same-sex sexual relationships and gender transition in line with the widespread acceptance of them within British society as whole. The term 'orthodox' means those people whose fidelity to the teaching of the Bible and the historic teaching of the Christian Church means that they are unable to support same-sex relationships and gender transition. The terms are used for ease of reference only and nothing is implied by their use.

1.5.3. **Why the document links together same-sex relationships and gender transition.** The linking together of same-sex relationships and gender transition may be questioned on the grounds that these are very different issues. However, in our view they are two aspects of a single issue, the obligation of human beings to live in accordance with the way God has created us. As Chapter 4 explains, the basic biblical reason why same-sex relationships are wrong is that they

deny the importance of God's creation of humanity as a dimorphic species in which males and females are distinguished by basic biological differences that enable them to play distinct and complementary roles in marriage and in the procreation and nurture of children. For the same reason, gender transition is also wrong in principle. It too, albeit in a different way, involves a rejection of the importance of the God-given distinction between men and women. The two questions of sexual orientation and gender identity are also regularly combined together, as in the widely used acronyms 'LGBT' (Lesbian, Gay, Bisexual and Transgender) and 'SOGI' (Sexual Orientation and Gender Identity). It follows that the two issues are inextricably linked and therefore need to be considered together.

Part I. Where we are today

Chapter 2. The current situation in British society with regard to same-sex relationships and gender transition

2.1. The prevalent narrative in our society

2.1.1. The narrative which is currently prevalent in the moral discourse of British society is helpfully summarised by Glynn Harrison. In his book *A Better Story*, he summarises this narrative as follows:

For centuries, traditional morality had us—all of us—in its suffocating grip. Year after year the same old rules, chained in the past, heaped shame on ordinary men and women (and boys and girls) whose only crime was being different. Enemies of the human spirit, these bankrupt ideologies befriended bigots and encouraged the spiteful. They nurtured a seedbed of hypocrisy and offered safe havens to perpetrators of abuse. No more. Change is here. We are breaking free from the shackles of bigotry and removing ourselves from under the dead hand of tradition. Our time has come. A time to be ourselves. A time to be who we truly are. A time to celebrate love wherever we find it. A time for the human spirit to flourish once again.⁸

2.1.2. There are signs that this narrative is becoming a matter of public truth to which all members of society are expected to subscribe whatever their difference on other matters. Surveys of British social attitudes suggest that it is accepted by the majority of the population (even if they would not necessarily use the precise language contained in the quotation) and it is constantly being reinforced by politicians of all parties, the media, and the education system.⁹

2.1.3. As the quotation from Harrison indicates, within this narrative liberation from traditional morality (and particularly from traditional sexual morality) plays the same role that liberation from sin played in the teaching of the medieval Church, or that liberation from capitalist oppression played in Communist propaganda. It is the 'great evil' from which people have been set free.

2.1.4. It should also be borne in mind that for many people this narrative about freedom is not about licence, but about the correction of historic injustice. They see the narrative in terms of the upholders of traditional morality, the Christian Church prominent among them, having unjustly stigmatised and oppressed those minority groups who did not live according to it. In their view, it is, therefore, a matter of justice that this situation is now coming to an end and that society and the law support the equal right of every individual to live in whatever way is best for them. This is often described in terms of support for 'equality, diversity and inclusion'.

⁸ Glynn Harrison, *A Better Story* (London: IVP, 2016), p51.

⁹ The way in which this narrative has become public truth in our country is shown by the way in which Pride celebrations are now major public events in the way that religious processions were in the Middle Ages, or the marking of May Day was in the old Soviet Bloc.

2.2. An alternative way of life and the challenges it poses to traditional Christian beliefs

2.2.1. As indicated above, the freedom celebrated in this prevalent narrative does not just mean freedom from traditional sexual morality, but also freedom to choose to live in an alternative way. This alternative way of life involves:

- People being free to choose to be in a sexual relationship with whomever they want for as long or short a time as they want;
- People being free to choose to have sexual relationships both inside and outside marriage with no expectation that sexual intercourse will lead to the birth of children;
- Women being free to choose to control their own bodies by opting for termination of a pregnancy through abortion;
- People being free to choose to have sexual intercourse with members of their own sex, to cohabit with them, and to marry them;
- People being free to choose their own gender identity, whether male, female or other, regardless of their biology.

2.2.2. The growing acceptance of this alternative way of life challenges six key beliefs that Christians have traditionally upheld. These beliefs are:

- That human beings are either male or female and that the distinction between men and women is primarily a matter of biology which people do not have the capacity to change;
- That marriage, sexual relations and the procreation of children belong together;
- That marriage is meant to be for life and that divorce is therefore always undesirable and generally morally wrong, except in narrowly defined circumstances;
- That it is not permissible deliberately to end the life of an unborn child;
- That a life of singleness and sexual abstinence is a Christian vocation that is as valid and as fulfilling as marriage;
- That it is not right for people of the same sex to have a sexual relationship, or for such a relationship to be called marriage.

2.2.3. In all six cases Christians are faced with the question of whether they should continue to uphold what they have traditionally believed, which they have understood to be taught in Scripture, or whether they should adapt or abandon and come into line with the prevailing ethos of our culture.

2.2.4. The focus of this document is on how Christians should respond to the contemporary challenges to the first and last of the traditional beliefs listed in 2.2.2. This is not because these two beliefs are more important than the other four, but because in recent years the challenge to them has become a particularly prominent issue within the Church of England as it has within other churches in this country and across the Western world as whole. They bring into sharp focus what Christians believe about human identity, sexuality and marriage.

2.3. Same-sex relationships

- 2.3.1. In the countries which now form the United Kingdom same-sex sexual relationships, whether between men or women, have traditionally been disapproved of by the Church and by society because they were regarded as immoral. Although, like other forms of illicit sexual activity, they were subject to sanctions under church law, prior to the sixteenth century they were not subject to the criminal law of the state.
- 2.3.2. However, from the sixteenth century onwards sexual activity between men (sex between women was never illegal), became subject to criminal penalties by the state, initially the death penalty and then subsequently imprisonment. We are often told that this meant that people such as Oscar Wilde and Alan Turing were prosecuted for 'being gay' or 'because of who they loved.' This, however, is inaccurate. There was no separate category of 'gay' people recognised by British law (sexual orientation as a legal term was only recognised in 2000) and the criminal law has never been concerned about who people happened to love. What was illegal was sexual intercourse between persons of the same sex, understood in terms of the act of anal penetration, and it was equally criminal for a man to have anal intercourse with a woman, regardless of consent.
- 2.3.3. Movement towards removing the legal penalties against homosexual activity began in the 1950s.
- 2.3.4. In 1957 the report of a Home Office committee chaired by Sir John Wolfenden (the 'Wolfenden Report') recommended that 'homosexual behaviour between consenting adults in private' should no longer be a criminal offence. Ten years later the Sexual Offences Act of 1967 removed the legal penalties in England and Wales against homosexual acts performed in private between two men over 21 years of age. Similar legislation in the other parts of the United Kingdom then followed between 1980 and 1994.
- 2.3.5. What the 1967 Act did not do was introduce legally enforceable equal rights for those in same-sex relationships in areas such as employment or family law. The Campaign for Homosexual Equality, which had initially been founded to campaign for the de-criminalisation of homosexuality, began to campaign for such rights from 1969 onwards, as did Stonewall after its foundation in 1989.
- 2.3.6. The move towards introducing legal equality for people in same-sex relationships began in 2000 with the repeal of Section 28 of the Local Government Act (which prohibited local authorities promoting same-sex relationships in schools). Further legislation equalised the age of consent for both heterosexual and homosexual sexual activity at sixteen; permitted openly lesbian and gay people to serve in the armed forces; and allowed same-sex couples to adopt children.
- 2.3.7. In 2004 the Civil Partnership Act introduced Civil Partnerships for people in same-sex relationships. The reason for this was not only to remedy perceived injustices towards same-sex couples with regard to matters such as the rights of next-of-kin and inheritance, but also to give public, legal recognition to the existence and importance of same-sex relationships. As Jacqui Smith, the Deputy Minister for Women and Equality, put it when moving the second reading of the Civil Partnership Bill in the House of Commons:

In creating a new legal relationship for same-sex couples, this Bill is a sign of the Government's commitment to social justice and equality. It is also a recognition of the

realities of modern Britain. Across this country today thousands of same-sex couples have made the decision to share their lives, their home, their finances and the care of their children or of older relatives. They may have loved and cared for each other for many years, yet their relationship is invisible in the eyes of the law. The Bill sends a clear message about the importance of stable and committed same-sex relationships.¹⁰

2.3.8. In the same year, regulations were passed giving effect to the EU Equal Treatment Directive 2000, which included a prohibition of discrimination on the grounds of sexual orientation. The Equality Act of 2006 further prohibited discrimination on the grounds of sexual orientation in the provision of goods and services. This law was codified by the Equality Act of 2010 under which sexual orientation is one of the nine ‘protected characteristics’.

2.3.9. Finally, in 2013, Parliament passed the Marriage (Same Sex Couples) Act which permitted same-sex couples in England and Wales to marry or to convert their Civil Partnerships to marriage. Similar legislation was passed by the Scottish Parliament and, following legislation passed by the Westminster Parliament, same-sex marriages became legal in Northern Ireland in February 2020. The legislation for same-sex marriage provided exemptions for religious groups (including the Church of England) which did not wish to marry same-sex couples, as was the case when Civil Partnerships were introduced in 2004.

2.3.10. In addition to these legislative changes, an increasing number of public figures have publicly come out as lesbian or gay, and there is strong political, educational and media support for LGBT+ equality.

2.3.11. Accompanying these legal and social changes has been a major shift in public attitudes to same-sex relationships which has been charted by the annual *British Social Attitudes Survey*. When the survey began in 1983 only 17% of those surveyed were completely accepting of same-sex relationships. Attitudes hardened further during the late 1980s at the height of the AIDS crisis; in 1987 just 11% said same-sex relationships were ‘not wrong at all’. By contrast, in 2018 (the latest figures we have) 66% said they were ‘not wrong at all’.¹¹

2.3.12. Overall, Britain has become a place where acceptance of same-sex relationships is regarded as the norm and non-acceptance is widely seen as odd or even morally suspect, harmful, and endangering social cohesion.

2.4. Gender Transition

2.4.1. In order to understand the issue of gender transition it is necessary first of all to distinguish between ‘sex’ and ‘gender.’ In this context ‘sex’ means one’s biological identity, whereas ‘gender’ means the way in which one’s identity as male, female, or other, is perceived by oneself or by others within a particular cultural setting.

2.4.2. Transgender persons are, for the most part, people whose bodies are unambiguously either male or female, but who have difficulty identifying with, or living according to, the sex of their body. As Mark Yarhouse puts it, ‘Transgender is an umbrella term for the many ways in which

¹⁰ Hansard, 12 October 2004, Column 174 at <https://publications.parliament.uk/pa/cm200304/cmhansrd/vo041012/debtext/41012-11.htm>

¹¹ Figures for the acceptance of same-sex relationships can be found in *British Social Attitudes 36*, (London: The National Centre for Social Research, 2019), pp.129-30 and 139.

people might experience and/or present and express (or live out) their gender identities differently from people whose sense of gender identity is congruent with their biological sex'.¹² The term 'cisgender' is sometimes used by way of contrast to transgender for those people who do not have difficulty identifying with, or living according to, the sex of their body. The term 'gender dysphoria' is the clinical term used to refer to the distress people can feel as a result of the incongruence between their biological sex and what they feel to be their true identity.

- 2.4.3. Gender transition takes place when someone who is biologically either a man or a woman acts on the belief that their public identity as a man or a woman (their 'gender') does not express who they truly are and who therefore decide to live as a member of the opposite sex, or to adopt some form of alternative 'gender variant' identity such as intergender, pangender, genderfluid, or non-binary. Such transition may or may not involve the use of hormones or gender reassignment surgery to conform their body more closely to a body of their preferred gender identity.
- 2.4.4. Gender transition first came to public attention in the early 1950s when the American GI George Jorgensen became Christine Jorgensen following gender reassignment surgery by Dr Christian Hamburger in Casablanca in 1952. Jorgensen's story was widely published in both America and Europe and in its aftermath many people who felt unable to accept their biological sex began to seek similar treatment.
- 2.4.5. In Britain the concept of gender transition came to prominence in 1970 when April Ashley, a model who had undergone transition from male to female, fought a court case (*Corbett v Corbett*) to allow her marriage to a man to be legally recognised. Ashley lost the case, with the legal precedent then being set that sexual identity is irrevocably fixed by chromosomes at birth and that a person's legal gender identity as a man or a woman should be the same as their sexual identity.
- 2.4.6. Following this case, transgender people, both in Britain and in other countries, waged an increasingly high-profile campaign for legal recognition of their preferred gender including the right to marry as a member of that gender and to have their birth certificates amended to identify them retrospectively as a member of that gender. That campaign involved several cases being taken to the European Court of Human Rights to establish a human right to state recognition of one's preferred gender.
- 2.4.7. This campaign had a successful outcome in 2004 when the Gender Recognition Act allowed transgender people who wished to do so to have legal recognition as members of the sex appropriate to the gender with which they identify (male or female). This recognition allows them to acquire a new birth certificate and affords them full recognition of their preferred gender in law for all purposes, including marriage. As in the case of Civil Partnerships and same-sex marriages there are exemptions to protect the consciences of members of religious groups including the Church of England.
- 2.4.8. Under the Act a legal change of gender takes place through a Gender Recognition Panel issuing a person a Gender Recognition Certificate on the grounds that they have had a diagnosis of

¹² Mark Yarhouse, *Understanding Gender Dysphoria*, Downers Grove: IVP Academic, 2015, Kindle edition, Loc.252.

gender dysphoria, have lived in their new gender for at least two years, and that they intend to live in this new gender until death.

2.4.9. Gender transition is also one of the categories which is protected by the Equality Act of 2010. This legislation states that it is illegal to discriminate against someone on the basis that a 'person is proposing to undergo, is undergoing, or has undergone, a process (or part of a process) for the purpose of reassigning the person's sex by changing physiological or other attributes of sex.'

¹³

2.4.10. There is now pressure to amend the Gender Recognition Act to speed up the process involved and to avoid the need to have a panel making a decision on whether someone should be awarded a gender recognition certificate. The proposal is that the medical model of gender recognition would be abolished. Instead, people would self-identify as a member of their preferred gender and that would then be the basis for that gender to be legally recognised. British practice would then be the same as the practice in other jurisdictions such as Ireland, Malta and Norway.

2.4.11. There is also pressure from groups such as Stonewall for the legal recognition of the non-binary identities of gender variant people who do not identify themselves as male or female.

2.4.12. The Government has recently held a consultation on plans to amend the Gender Recognition Act which would (a) remove the need for a medical diagnosis of gender dysphoria before someone is able to apply for gender recognition, and (b) propose options to reduce 'the length and intrusiveness of the gender recognition system'.¹⁴ This consultation closed on 22 October 2018 and there has been no announcement yet as to what the outcome of the consultation will be. The relevant government web page simply says 'we are analysing your feedback'.

2.5. Continuing disagreement over same-sex relationships and gender transition

2.5.1. The developments that have been summarised in the previous two sections of this chapter have reflected widespread support for both same-sex relationships and gender transition, particularly among younger people who have grown up with the new narrative referred to in the first section shaping their thinking. However, this acceptance is by no means universal. There is continuing disagreement on both issues.

2.5.2. The 66% figure for the public acceptance of same-sex relationships contained in the 2019 *British Social Attitudes Survey* is impressive. However, the figure was 2% down on the figure for the previous year, which had prompted the writers of the paper on the survey to suggest that 'we may have reached a point of plateau' with 'a significant minority of the population' remaining 'uncomfortable with same-sex relationships'.¹⁵ To put it another way, according to the survey 1/3 of the population still feel some degree of disquiet about same-sex relationships and the

¹³ Equality Act, 7(1) text at <http://www.legislation.gov.uk/ukpga/2010/15/section/7>.

¹⁴ 'New Action to promote LGBT equality' at <https://www.gov.uk/government/news/new-action-to-promote-lgbt-equality>

¹⁵ The National Centre for Social Research, *British Social Attitudes Survey* 36, 2019, p.120 at http://www.bsa.natcen.ac.uk/media/39355/bsa_36.pdf

growth in the acceptance of such relationships which has taken place since the 1980s may now have stalled.

- 2.5.3. This continuing disquiet has been shown in the protests that have taken place in recent months in Birmingham and elsewhere against the 'No Outsiders' relationships education programme in primary schools which the protestors see as promoting same-sex relationships in a way that is contrary to their religious and moral values.¹⁶
- 2.5.4. With regard to gender transition, there is continuing controversy concerning two issues.
- 2.5.5. The first is whether and how society should make provision for transgender people in a variety of different areas of life. British society, like other societies, is organized on the basis of what has come to be known as the 'gender binary.' What this means is that society is organized on the basis that human beings are either male or female. For example, education, sports teams, the use of toilet facilities, the provision of refuges for female victims of domestic abuse, and the age at which people can retire, are all organized on the basis of a distinction between male and female.
- 2.5.6. The question that has now arisen is how people who have undergone, or who are undergoing gender transition, or those who do not identify with either of the two traditional genders fit into the picture. What schools should they be allowed to go to (and what school uniform should they wear)? Which sports teams should they be allowed to play for? What toilet facilities should they be allowed to use? Should biological males who identify as women be allowed to stay at women's refuges? When should transgender persons be allowed to receive their pension?
- 2.5.7. Although these issues are covered by the provisions of the Equality and Gender Recognition acts and by the regulations of sports bodies, nevertheless, as a glance at the news media will show, they remain controversial. This is because they involve practical concerns, such as whether opening up female toilets and changing rooms to biological males will be exploited by men (particularly young men) for purposes of harassment or sexual gratification, or whether a male to female trans person will have an unfair advantage on the sports field. In addition, there is a strong feeling that a 'revolutionary' sexual ideology held by a minority is now being imposed undemocratically on society as a whole.¹⁷
- 2.5.8. The second issue is about the appropriate response to the acute distress that some people seeking gender transition feel (the technical term for which is 'gender dysphoria').
- 2.5.9. The view that currently seems to have support from most people working in the field is that the best way to treat people with gender dysphoria is to help them to accept and live out their preferred gender identity either on an intermittent or on a permanent basis. This may, or may not, involve hormone treatment and sex-reassignment surgery. This is the approach outlined, for example in the section on 'Treatment for gender dysphoria' on the NHS *Choices* website:

¹⁶ See 'LGBT school lessons protests spread nationwide', BBC News, 16 May 2019 at <https://www.bbc.co.uk/news/uk-england-48294017>

¹⁷ For this point see James Kirkup 'The Document that reveals the revolutionary tactics of the Trans Lobbyists' *The Spectator*, 2 December 2019.

If the results of an assessment suggest that you or your child have gender dysphoria, staff at the GIC¹⁸ will work with you to come up with an individual treatment plan. This will include any psychological support you may need.

Treatment for gender dysphoria aims to help reduce or remove the distressing feelings of a mismatch between biological sex and gender identity.

This can mean different things for different people. For some people, it can mean dressing and living as their preferred gender.

For others, it can mean taking hormones or also having surgery to change their physical appearance.

Many trans people have treatment to change their body permanently, so they're more consistent with their gender identity, and the vast majority are satisfied with the eventual results.¹⁹

2.5.10. However, not everyone agrees with this approach. There are well-qualified dissenting voices who believe that it is mistaken.

2.5.11. Probably the most prominent of these voices is that of Professor Paul McHugh, University Distinguished Service Professor of Psychiatry at Johns Hopkins Medical School in the United States. McHugh argues that the fundamental problem with the preferred approach is that it is simply unsuccessful in addressing the psychological issues of the patients concerned. In his words:

When 'the tumult and shouting dies,' it proves not easy nor wise to live in a counterfeit sexual garb. The most thorough follow-up of sex-reassigned people—extending over thirty years and conducted in Sweden, where the culture is strongly supportive of the transgendered—documents their lifelong mental unrest. Ten to fifteen years after surgical reassignment, the suicide rate of those who had undergone sex-reassignment surgery rose to twenty times that of comparable peers.²⁰

2.5.12. McHugh goes on to argue that there needs to be an alternative approach that takes seriously the true nature of gender dysphoria:

What is needed now is public clamor for coherent science—biological and therapeutic science—examining the real effects of these efforts to 'support' transgenering. Although much is made of a rare 'intersex' individual, no evidence supports the claim that people such as Bruce Jenner²¹ have a biological source for their transgender assumptions.

¹⁸ Gender Identity Clinic.

¹⁹ NHS Choices, 'Treatment for gender dysphoria' at <http://www.nhs.uk/Conditions/Gender-dysphoria/Pages/Introduction.aspx>

²⁰ Paul McHugh, 'Transgenderism: A Pathogenic Meme' at *Public Discourse*, 10 June 2015 text at <http://www.thepublicdiscourse.com/2015/06/15145/>

²¹ Bruce Jenner is the previous name of the American athlete and television personality who came out as transsexual in 2015 and is now called Caitlyn Jenner.

Plenty of evidence demonstrates that with him and most others, transgenering is a psychological rather than a biological matter.

In fact, gender dysphoria—the official psychiatric term for feeling oneself to be of the opposite sex—belongs in the family of similarly disordered assumptions about the body, such as anorexia nervosa and body dysmorphic disorder. Its treatment should not be directed at the body as with surgery and hormones any more than one treats obesity-fearing anorexic patients with liposuction. The treatment should strive to correct the false, problematic nature of the assumption and to resolve the psychosocial conflicts provoking it. With youngsters, this is best done in family therapy.²²

2.5.13. As well as continuing debate about the best way to treat gender dysphoria in general, there is now a growing concern about the growth and treatment of gender dysphoria among children and young people. There are three specific issues.

- That children are being wrongly diagnosed with gender dysphoria when they are in fact suffering from other mental health issues, or simply do not conform to what is seen as typical behaviour for boys or girls;
- That teenagers (teenage girls in particular) are self-identifying as transgender because of peer pressure, family issues, what they see online, or in order to avoid unwanted sexual attention. In addition, some teenagers may find it easier to suggest they are transgender rather than gay or lesbian.
- That children and young people are being given hormones to prevent the onset of puberty even though the long term physical and psychological effects of this are unknown and potentially seriously damaging.²³

2.6. Summary

2.6.1. In this chapter we have noted four developments in British society.

2.6.2. *First*, there is now a prevalent narrative in British society which celebrates emancipation from the ‘constraints of traditional morality’ (especially traditional sexual morality), with many people seeing this development as the correction of historic injustice towards hitherto oppressed minority groups.

2.6.3. *Secondly*, a desire to be free from the constraints of traditional morality has led to the growing acceptance of an alternative way of life that challenges six key beliefs that Christians have traditionally held.

2.6.4. *Thirdly*, there has been a growth in the legal recognition and social acceptance of same-sex relationships and gender transition.

²² McHugh at <http://www.thepublicdiscourse.com/2015/06/15145/>

²³ For details on these issues see the website ‘Transgender Trend’ at <https://www.transgendertrend.com/>.

2.6.5. *Fourthly*, although the social acceptance of same-sex relationships and gender transition has become widespread, it has not become universal. There is still a substantial portion of British society that feels disquiet about them.

2.6.6. In the next chapter we shall look at how the Church of England has responded to these changes in British law and society.

Chapter 3. The current situation in the Church of England with regard to same-sex relationships and gender transition

3.1. The position of the Church of England with regard to same-sex relationships

- 3.1.1. As Donald Fortson and Rollin Grams explain in detail in their book *Unchanging Witness*, the consistent position of the Church since New Testament times has been that 'homosexual practice is incompatible with Christian discipleship, and church discipline may be necessary if the practice is habitual.'²⁴
- 3.1.2. However, in recent years a pattern has emerged in which Christian churches have come under increasing pressure to change their teaching and practice in this area. This pressure has taken three forms: *first*, external pressure from governments, the courts, the media and non-governmental campaigning bodies; *secondly*, internal pressure from campaigning individuals and organisations within their own ranks; and *thirdly*, people's personal experience of same-sex relationships and gender transition in their own lives and among family members, friends, and colleagues at work. As a result, there has been extensive debate about the matter which has resulted in people and churches becoming deeply divided about whether or not they should change their position.

Developments from the 1950s

- 3.1.3. What has happened in the Church of England conforms to this pattern. Throughout its history it had held that 'marriage is in its nature a union permanent and life-long, for better or worse, till death them do part, of one man with one woman, to the exclusion of all others on either side'²⁵ and that all forms of sexual intercourse outside marriage (including same-sex relationships) are a form of sin which need to be resisted and repented of when they do occur.
- 3.1.4. However, from the 1950s onwards voices from within the Church of England began to question whether it was right to see homosexual relationships as always sinful.²⁶ In addition, although there was much controversy over the matter, the Church of England as a whole supported the conclusions of the Wolfenden Paper and the subsequent removal of the criminal penalties against sex between men.²⁷
- 3.1.5. This was because it took the view that while homosexual activity was sinful it should not for that reason be illegal. Dealing with sin should be a matter for the Church rather than the state. In the words of the Church of England Moral Welfare Council's submission to the Wolfenden working party: 'we would submit ... that it is not the function of the state and the law to constitute themselves the guardians of private morality, and that to deal with sin as such

²⁴ S Donald Fortson III and Rollin G Grams, *Unchanging Witness*, (Nashville: B &H Academic, 2016), p141.

²⁵ Canon B.30.

²⁶ The beginning of such discussion is generally seen as an article by Derek Sherwin Bailey on 'The problem of sexual inversion' which was published in the edition of the journal *Theology* for February 1952.

²⁷ Owen Chadwick, *Michael Ramsey – A Life* (London: SCM, 1998), pp145-149 and Matthew Grimley 'Law, Morality and Secularisation: The Church of England and the Wolfenden Paper, 1954-1967,' *The Journal of Ecclesiastical History*, Vol.60, No.4, October 2009, pp725-741.

belongs to the province of the Church'.²⁸ In addition, it took the view that the illegality of homosexual activity prevented proper pastoral care for people with homosexual tendencies.

3.1.6. Then in the 1970s and 1980s three reports were issued by Church of England working parties in response to the *de facto* acceptance of homosexual conduct in some of the Church of England theological colleges.²⁹ The problem was that there was no authoritative guidance about the matter. It had always been held by the Church of England that homosexual conduct was wrong, but there was no official teaching on the matter and by the 1970s and 1980s the traditional position was being challenged by bodies such as the Lesbian and Gay Christian Movement. Hence the need for work on the subject.

3.1.7. All three reports revealed the extent to which the Church was divided on the matter, but all three were prepared to consider the possibility that homosexual activity might be regarded as morally justifiable in certain circumstances. The 1979 report declared, for example, that while it would not be right for the Church to view: '...homosexual erotic love as an alternative and authentic development of the living Christian tradition' nonetheless:

... we do not think it possible to deny that there are circumstances in which individuals may justifiably choose to enter into a homosexual relationship with the hope of enjoying a companionship and physical expression of sexual love similar to that which is to be found in marriage.³⁰

3.1.8. However, the view taken in these Papers has never been endorsed by the Church of England. Instead, the Church of England's official position on the matter is defined by five documents which uphold the Church's traditional teaching.

Canon B.30

3.1.9. The *first* document is Canon B.30, 'Of Holy Matrimony,' the Church of England's legally binding Canonical definition of marriage, part of which has already been quoted in paragraph 3.1.3 above. In full, Canon B.30 runs as follows:

1. The Church of England affirms, according to our Lord's teaching, that marriage is in its nature a union permanent and lifelong, for better for worse, till death them do part, of one man with one woman, to the exclusion of all others on either side, for the procreation and nurture of children, for the hallowing and right direction of the natural instincts and affections, and for the mutual society, help and comfort which the one ought to have of the other, both in prosperity and adversity.

²⁸ Sherwin Bailey (ed.) *Sexual offenders and social punishment: being the evidence submitted on behalf of the Church of England Moral Welfare Council to the Departmental Committee on Homosexual Offences and Prostitution*, London: The Church Information Board, 1956 p36.

²⁹ These were the unpublished Paper of a Board of Social Responsibility Working Party produced in 1970, the 1979 BSR Paper *Homosexual Relationships— a Contribution to Discussion* (London: CIO 1979), and the unpublished 1989 'Osborne Paper' which was commissioned by the BSR for the House of Bishops.

³⁰ Text in Peter Coleman *Christian Attitudes to Homosexuality* (London: SPCK, 1980) p269.

2. The teaching of our Lord affirmed by the Church of England is expressed and maintained in the Form of Solemnization of Matrimony contained in the *Book of Common Prayer*.

3. It shall be the duty of the minister, when application is made to him for matrimony to be solemnized in the church of which he is the minister, to explain to the two persons who desire to be married the Church's doctrine of marriage as herein set forth, and the need of God's grace in order that they may discharge aright their obligations as married persons.

The Prayer Book Marriage Service

3.1.10. The *second* document is the marriage service in the *Book of Common Prayer* referred to in Canon B.30. This service is the Church of England's theologically definitive liturgical statement about marriage, the alternative *Common Worship* marriage services being authorised on the understanding that they are in theological conformity with the Prayer Book service.

3.1.11. In the words of Michael Stead, the *Book of Common Prayer*:

... understands marriage to be a covenant between a husband and a wife, voluntarily entered into by the public exchange of vows. BCP views marriage as 'God's ordinance' for all humanity, as the pattern of relationship established by God from the beginning, and normative for all human 'coupling' relationships that are valid in his sight. The man/woman nature of marriage is a principle—and not merely a practice—of the doctrine of marriage in BCP. Marriage is understood in BCP to be the continuing expression of the form of relationship established by God between Adam and Eve (cf. Gen 1:27, 2:18; 2:23–25), and as affirmed by Jesus in Matthew 19. BCP understands complementary sexes to be of the essence of marriage.³¹

The 'Higton' Motion

3.1.12. The *third* document is the motion passed by General Synod in 1987 by 403 votes to 8 at the end of a debate initiated by the Revd Tony Higton in response to growing dissatisfaction amongst many within the Church, especially but not only Evangelicals, at what was felt to be a growing acceptance of same-sex relationships by the Church of England's Board for Social Responsibility and by some of the bishops.

3.1.13. This motion (the 'Higton motion') runs as follows:

This Synod affirms that the biblical and traditional teaching on chastity and fidelity in personal relationships is a response to, and expression of, God's love for each one of us, and in particular affirms;

(1) that sexual intercourse is an act of total commitment which belongs properly within a permanent married relationship.

³¹ Michael Stead, 'The Doctrine of Marriage in the Anglican Church of Australia,' in The Doctrine Commission of the Anglican Church of Australia, *Marriage, same-sex marriage and the Anglican Church of Australia* (Mulgrave: Broughton Publishing, 2019) p43.

(2) that fornication and adultery are sins against this ideal, and are to be met by a call to repentance and the exercise of compassion.

(3) that homosexual genital acts also fall short of this ideal, and are likewise to be met with a call to repentance and the exercise of compassion.

(4) that all Christians are called to be exemplary in all spheres of morality, and that holiness of life is particularly required of Christian leaders.³²

3.1.14. As a motion passed by General Synod, this motion remains the most authoritative Church of England statement on the matters which it covers. It remains today the legal and theological benchmark for the Church of England on these matters.

Issues in Human Sexuality

3.1.15. The *fourth* document is the House of Bishops' statement *Issues in Human Sexuality* which was published in 1991 as a response to the passing of the Highton motion.

3.1.16. This statement declares that there is in Scripture '...an evolving convergence on the ideal of lifelong, monogamous, heterosexual union as the setting intended by God for the proper development of men and women as sexual beings'³³ and it goes on to say that what it calls 'homophile' orientation and activity (it preferred the term 'homophile' to 'homosexual') cannot be endorsed by the Church as:

... a parallel and alternative form of human sexuality as complete within the terms of the created order as the heterosexual. The convergence of Scripture, Tradition and reasoned reflection on experience, even including the newly sympathetic and perceptive thinking of our own day, make it impossible for the Church to come with integrity to any other conclusion. Heterosexuality and homosexuality are not equally congruous with the observed order of creation or with the insights of revelation as the Church engages with these in the light of her pastoral ministry.³⁴

3.1.17. It notes that some Christian homophiles are clear that their calling:

... is to witness to God's general will for human sexuality by a life of abstinence. In the power of the Holy Spirit and out of love for Christ they embrace the self-denial involved, gladly and trustfully opening themselves to the power of God's grace to order and fulfil their personalities within this way of life. This is a path of great faithfulness, travelled often under the weight of a very heavy cross. It is deserving of all praise and the support of Church members through prayer, understanding and active friendship.³⁵

3.1.18. However, it then adds that:

³² The Church of England, *General Synod Paper of Proceedings*, Vol.18 No.3 (London: CHP, 1987) pp955-956.

³³ The House of Bishops, *Issues in Human Sexuality* (London: Church House Publishing, 1991) p18.

³⁴ *Issues*, p40.

³⁵ *Ibid.* p41.

... there are others who are conscientiously convinced that this way of abstinence is not the best for them, and that they have more hope in growing in love for God and neighbour with the help of a loving and faithful homophile partnership, in intention lifelong, where mutual self-giving includes the physical expression of their attachment.³⁶

3.1.19. The statement says it is unable to commend this way of life 'as in itself as faithful a reflection of God's purposes in creation as the heterophile'.³⁷ However the respect that the Church has traditionally given to 'free conscientious judgement where the individual has seriously weighed the issues involved' means that:

.... we do not reject those who sincerely believe it is God's call to them. We stand alongside them in the fellowship of the Church, all alike dependent upon the undeserved grace of God. All those who seek to live their lives in Christ owe one another friendship and understanding. It is therefore important that in every congregation such homophiles should find fellow-Christians who will sensitively and naturally provide this for them.³⁸

3.1.20. What is said in the previous paragraph relates only to the laity. On the question of homophile clergy, the statement declares:

... in our considered judgement the clergy cannot claim the liberty to enter into sexually active homophile relationships. Because of the distinctive nature of their calling, status and consecration, to allow such a claim on their part would be seen as placing that way of life in all respects on a par with heterosexual marriage as a reflection of God's purposes in creation. The Church cannot accept such a parity and remain faithful to the insights which God has given it through Scripture, tradition and reasoned reflection on experience.³⁹

3.1.21. *Issues* was originally intended by the House of Bishops to be a purely educational document, and, unlike the Higton motion, its teaching has never been formally endorsed by the General Synod. However, it has become *de facto* an authoritative statement in that the line taken by the House of Bishops has been that ordinands and clergy should be asked to confirm that they have read, and are prepared to live in accordance with, the teaching of *Issues* about the sexual behaviour of the clergy. Adherence to *Issues* has thus become a litmus test in relation to eligibility for ordination or appointment to ministerial office.⁴⁰

Lambeth Conference 1998, Resolution 1.10

3.1.22. The fifth and final document is Resolution 1:10 of the 1998 Lambeth Conference. The key parts of the Resolution are sections b-e which declare that the Conference:

³⁶ Ibid. p41.

³⁷ Ibid. p41.

³⁸ Ibid. p41.

³⁹ Ibid. p45.

⁴⁰ Thus the summary of the criteria for selection for ordination ministry issued by the Diocese of Gloucester states, 'Candidates must be willing to live within the discipline of *Issues in Human Sexuality*' and the guidelines from other dioceses say the same.

b. in view of the teaching of Scripture, upholds faithfulness in marriage between a man and a woman in lifelong union, and believes that abstinence is right for those who are not called to marriage;

c. recognises that there are among us persons who experience themselves as having a homosexual orientation. Many of these are members of the Church and are seeking the pastoral care, moral direction of the Church, and God's transforming power for the living of their lives and the ordering of relationships. We commit ourselves to listen to the experience of homosexual persons and we wish to assure them that they are loved by God and that all baptised, believing and faithful persons, regardless of sexual orientation, are full members of the Body of Christ;

d. while rejecting homosexual practice as incompatible with Scripture, calls on all our people to minister pastorally and sensitively to all irrespective of sexual orientation and to condemn irrational fear of homosexuals, violence within marriage and any trivialisation and commercialisation of sex;

e. cannot advise the legitimising or blessing of same-sex unions nor ordaining those involved in same-gender unions.⁴¹

3.1.23. Like all Lambeth Conference resolutions, Resolution 1.10 is not legally binding on the Church of England. However, the Church of England has accepted that it does have persuasive authority as expressing the mind of the Anglican Communion and that its approach is one that the Church of England should follow.⁴²

Pastoral Statements on Civil Partnerships and Same-Sex Marriage

3.1.24. In addition to these five documents, the House of Bishops has issued two pastoral statements in response to the introduction of Civil Partnerships in 2005 and same-sex marriage in 2014.⁴³ These two statements declare that:

- The Church of England's traditional doctrine on marriage and sexual ethics remains unchanged;
- That the clergy should not enter into same-sex marriages;
- That the Church of England should not develop authorised public liturgies to mark Civil Partnerships or same-sex marriages, and that the clergy should not hold services to bless them.

⁴¹ The Anglican Communion, *The Official Paper of the Lambeth Conference 1998* (Harrisburg: Morehouse Publishing 1999), p381.

⁴² It is listed, for example, as a 'key document' in the *House of Bishops Pastoral Statements on Civil Partnerships and Same-sex Marriage*.

⁴³ *House of Bishops Pastoral Statement on Civil Partnerships* at <http://www.churchofengland.org/media-centre/news/2005/07/pr5605.aspx> and *House of Bishops Pastoral Guidance on Same-Sex Marriage* at <https://www.churchofengland.org/medicentre/news/2014/02/house-of-bishops-pastoral-guidance-on-same-sex-marriage.aspx>

3.1.25. However, they also say that:

- Members of the clergy are free to argue for a change in the Church's position providing they uphold it in practice;
- Members of the clergy are free to enter Civil Partnerships providing they are willing to give an assurance that the relationship is celibate;
- In line with what is said in *Issues in Human Sexuality* about extending fellowship to lay 'homophiles' in committed relationships, those of the laity who have entered into Civil Partnerships, or same-sex marriages, ought to be welcomed in Church of England churches and they (and their children) should be admitted to baptism, confirmation and Holy Communion.
- The clergy should be willing to pray pastorally with those in such relationships 'on the assumption that any prayer will be accompanied by pastoral discussion of the church's teaching and their reasons for departing from it.'

The 'Pilling' Report

3.1.26. In November 2013 the *Report of the House of Bishops Working Group on Human Sexuality* was published, (known as the 'Pilling Report' after its Chairman, Sir Joseph Pilling). This consisted of a majority Paper plus a dissenting statement from the Bishop of Birkenhead, Keith Sinclair, which was in effect a minority Paper.⁴⁴

3.1.27. Given the seemingly intractable divisions of beliefs and opinions about the subject, the majority Paper argues that it is impossible to say with confidence what position the Church of England should take on human sexuality and that:

The subject of sexuality, with its history of deeply entrenched views, would best be addressed by facilitated conversations or a similar process to which the Church of England needs to commit itself at national and diocesan level. This should continue to involve profound reflection on the interpretation and application of scripture.⁴⁵

3.1.28. The majority Paper also declares:

The Church needs to find ways of honouring and affirming those Christians who experience same sex attraction who, conscious of the Church's teaching, have embraced a chaste and single lifestyle, and also those who in good conscience have entered partnerships with a firm intention of life-long fidelity.

We believe that there can be circumstances where a priest, with the agreement of the relevant PCC, should be free to mark the formation of a permanent same-sex relationship in a public service but should be under no obligation to do so. Some of us do not believe that this can be extended to same-sex marriage.

⁴⁴ The House of Bishops, *Paper of the House of Bishops Working Group on Human Sexuality* (London: CHP, 2013).

⁴⁵ *Paper of the House of Bishops Working Group on Human Sexuality*, p135.

While the Church abides by its traditional teaching, such public services would be of the nature of a pastoral accommodation, and so the Church of England should not authorise a formal liturgy for use for this purpose. The House of Bishops should consider whether guidance should be issued.⁴⁶

3.1.29. Finally, with reference to ordinands and the clergy the Paper states:

Whether someone is married, single or in a civil partnership should have no bearing on the nature of the assurances sought from them that they intend to order their lives consistently with the teaching of the Church on sexual conduct. Intrusive questioning should be avoided.⁴⁷

3.1.30. Because the Paper predated the introduction of same-sex marriages, it says nothing about what it would be appropriate to ask those who have entered into them.

Developments since Pilling

3.1.31. Building on the recommendations in the Pilling majority report, the Church of England held a series of 'shared conversations' involving bishops, clergy and laity which took place in regional groups around the country from 2014-2016. The purpose of these conversations was to 'create safe spaces in which questions of difference and disagreement can be explored in relation to questions of scripture, mission and human sexuality.'

3.1.32. After the end of those conversations the House of Bishops set up a Bishops Reflection Group on Human Sexuality which produced a Paper entitled 'Marriage and same-sex relationships after the shared conversations.'⁴⁸ This Paper's preferred option was that there should be 'no change to ecclesiastical law or to the Church of England's existing doctrinal position on marriage and sexual relationships' but it also argued that 'maximum freedom' should be permitted without making such change. In practical terms it suggested:

(a) establishing across the Church of England a fresh tone and culture of welcome and support for same-sex people, for those who experience same-sex attraction, and for their families, and continuing to work toward mutual love and understanding on these issues across the Church;

(b) the preferred option should be backed up by a substantial new Teaching Document on marriage and relationships, replacing (or expanding upon) the House's teaching document of 1999 on marriage⁴⁹ and the 1991 document *Issues*;

⁴⁶ *Paper of the House of Bishops Working Group on Human Sexuality*, p137.

⁴⁷ *Ibid.* p137.

⁴⁸ House of Bishops, *Marriage and same-sex relationships after the Shared Conversations*, (GS2055), 2017, at <https://www.churchofengland.org/media/3863472/gs-2055-marriage-and-same-sex-relationships-after-the-shared-conversations-Paper-from-the-house-of-bishops.pdf>

⁴⁹ This document (*Marriage*, London: Church House Publishing, 1999) was produced by the House of Bishops to resource the discussion that was then taking place about re-marriage in church after divorce. It depicts marriage as a relationship between one man and one woman and states that 'sexual intercourse, as an expression of faithful intimacy, properly belongs within marriage exclusively.' (p8).

(c) there should be guidance for clergy about appropriate pastoral provision for same-sex couples; and

(d) there should be new guidance from the House about the nature of questions put to ordinands and clergy about their lifestyle’.

3.1.33. When it was debated in General Synod in February 2017, it was opposed both by those who thought it was too liberal and those who thought it was too conservative, and Synod eventually voted not to ‘take note’ of the Paper. Under the Synod’s standing orders, it was not accepted by Synod and also could not come back on to the agenda during the life of the 2015-20 Synod. There was a majority for taking note in the House of Bishops and the House of Laity and an overall majority of 242-184 favour in the Synod as a whole, but the take note motion was lost by seven votes in the House of Clergy.

3.1.34. In response to the Synod vote, the Archbishops of Canterbury and York wrote to the General Synod on 16 February 2017 stating that in order to deal with the ‘real and profound disagreement’ shown in the debate there needed to be ‘a radical new Christian inclusion in the Church.’ This, they say:

... must be founded in scripture, in reason, in tradition, in theology and the Christian faith as the Church of England has received it; it must be based on good, healthy, flourishing relationships, and in a proper 21st century understanding of being human and of being sexual.

3.1.35. In specific terms they say that they will establish a working party headed by the Bishop of Newcastle to advise and support dioceses ‘on pastoral actions with regard to our current pastoral approach to human sexuality’, that the House of Bishops will go ahead with producing a new teaching document of human sexuality, and that the Archbishops would arrange a further General Synod debate ‘in general terms on the issues of marriage and human sexuality.’⁵⁰ This commitment has resulted in the establishment of the Pastoral Advisory Group⁵¹ headed by the Bishop of Newcastle to advise the dioceses on pastoral matters to do with sexuality, and the ‘Living in Love and Faith’ project, which is working to produce a set of resources for ‘Christian teaching and learning about human identity, sexuality and marriage’ which are due out in November 2020.⁵²

3.1.36. In July 2017 General Synod passed a motion initiated by Jayne Ozanne concerning ‘conversion therapy,’ a blanket term used to refer to all types of counselling and therapy aimed at helping people to deal with unwanted same-sex sexual attraction. This motion declared:

‘That this Synod: (a) endorse the Memorandum of Understanding on Conversion Therapy in the UK of November 2015, signed by The Royal College of Psychiatrists and others, that the practice of gay conversion therapy has no place in the modern world, is unethical,

⁵⁰ Letter from the Archbishops of Canterbury and York following General Synod at <https://www.churchofengland.org/media-centre/news/2017/02/letter-from-the-archbishops-of-canterbury-and-york-following-general-synod.aspx>

⁵¹ For details about the Pastoral Advisory Group see <https://www.churchofengland.org/about/leadership-and-governance/general-synod/bishops/pastoral-advisory-group/pag-membership#na>

⁵² For details of the ‘Living in Love and Faith’ project see <https://www.churchofengland.org/LLF>

potentially harmful and not supported by evidence; (b) call upon the Church to be sensitive to, and to listen to, contemporary expressions of gender identity; and (c) call on the government to ban the practice of Conversion Therapy.⁵³

3.1.37. In February 2019 the Pastoral Advisory Group published a set of pastoral principles for the care of LGBTI+ people which call on those in the Church of England to:

- Acknowledge prejudice
- Speak into silence
- Address ignorance
- Cast out fear
- Admit hypocrisy
- Pay attention to power⁵⁴

3.1.38. That is where matters currently stand. We now have to wait and see how things develop after the 'Living in Love and Faith' material is published in 2020. This material is still being written, but at the moment it appears that it will survey the various positions on human sexuality held in the Church of England and explain why they are held. What is not clear is what teaching on human sexuality (if any) the material will contain, or what changes (if any) the material will suggest to the Church's current teaching and practice.

3.2. The position of the Church of England on gender transition

The official position of the Church of England from 2003

3.2.1. Prior to 2003, the Church of England did not have an official position on the issue of gender transition. It had always been held in the Church, as it was in wider society, that someone's identity as male or female was dependent on their male or female bodily characteristics and that except in rare cases where an inconsistency of biological indications subsequently came to light, this identity was fixed at birth. However, precisely because this view had never been challenged, there was no official teaching on the matter.

3.2.2. The official position of the Church of England in this area from 2003 onwards was that it had no agreed position. Chapter 7 of the House of Bishops Paper *Some Issues in Human Sexuality*⁵⁵ set out the then state of the debate about transgender issues and expressed the hope that this would lead to a serious debate in the Church of England about the matter, which would lead to a properly informed theological position and properly informed pastoral practice. The House of Bishops decided, however, that it did not want to initiate such a debate. Instead it issued a

⁵³ General Synod backs ban on conversion therapy at <https://www.churchofengland.org/more/media-centre/news/general-synod-backs-ban-conversion-therapy>

⁵⁴ Details can be found at <https://www.churchofengland.org/PAG>.

⁵⁵ The House of Bishops, *Some Issues in Human Sexuality* (London: Church House Publishing, 2003), Ch 7.

memo in 2003 recording two approaches to the matter and saying that both could properly be held. The memo states:

The House recognised that there was a range of views within the Church on transsexualism and accepted that (as matters stood at present) both the positions set out below could properly be held:

a) some Christians concluded on the basis of Scripture and Christian anthropology that concepts such as ‘gender reassignment’ or ‘sex change’ were really a fiction. Hormone treatment or surgery might change physical appearance, but they could not change the fundamental God-given reality of ‘male and female He created them’.

b) others, by contrast, whilst recognising that medical opinion was not unanimous, were persuaded that there were individuals whose conviction that they were ‘trapped in the wrong body’ was so profound and persistent that medical intervention, which might include psychiatric, hormone, and surgical elements, was legitimate and that the result could properly be termed a change of sex or gender.

The House agreed that the Church should continue to engage in discussions with the Lord Chancellor’s Department with a view to safeguarding the position of bishops unwilling to ordain transgendered candidates and, once marriage of transsexuals became possible in law, securing an exemption for clergy not willing to solemnise such marriages.⁵⁶

3.2.3. The last paragraph refers to the discussions that were taking place with the Government prior to the introduction of the Gender Recognition Act in 2004 to allow Church of England clergy exemption from having to marry parishioners when one or both people concerned had gone through gender transition. The concern here was that clergy would be forced against their conscience to marry what they believed to be a same-sex couple.

3.2.4. In 2002 the House of Bishops agreed that there was no bar to transgender people being ordained.⁵⁷ However, it also agreed that transgender candidates could only be put forward for what was then an ACCM (now a BAP) if a bishop was willing to ordain that person at the end of their training and to guarantee them a title parish. This remains the position today.⁵⁸

3.2.5. Between 2003 and 2017 there was no formal debate about transgender issues at the national level in the Church of England and no guidance was issued about the matter by the Church of England. In the absence of any official policy or guidance it was left to individual dioceses and parishes to work out their own approaches. Teaching and practice about the matter was therefore varied.

⁵⁶ House of Bishops Memo HB(03)M1 text at <http://changingattitude.org.uk/archives/8542>.

⁵⁷ The question was not whether someone who was a biological woman could be ordained if they had transitioned to living as a man. The ordination of women as priests in 1994 meant this was no longer an issue. The question was whether someone who had transitioned was exhibiting the holiness of life required of those who are to be ordained.

⁵⁸ ‘Sending Candidates to BAP,’ 1.14 at <https://www.churchofengland.org/sites/default/files/2017-10/Sending%20Candidates%20to%20BAP.pdf>

The debate on the Blackburn motion

3.2.6. However, in July 2017 General Synod passed a motion put forward by the Diocese of Blackburn which stated:

‘That this Synod, recognising the need for transgender people to be welcomed and affirmed in their parish church, call on the House of Bishops to consider whether some nationally commended liturgical materials might be prepared to mark a person's gender transition.’⁵⁹

3.2.7. What this motion means in practice is that those who have gone through transition, or who are in the process of doing so, need to be both ‘welcomed’ and ‘affirmed’ by their parish churches. The significance of the word ‘affirmed’ is that the people concerned should not simply be welcomed (which might go alongside non-acceptance of, or ambivalence about, their gender transition), but should also be affirmed either in the transition they have made or the one that they are making. In the case of male to female transition, for example, it would mean those in their parish church affirming their gender identity as a woman despite their male biological sex.

3.2.8. On the basis of this perceived need for affirmation, the motion asks the House of Bishops, as part of their responsibility for overseeing the development of the Church of England’s liturgy, to consider the possibility of developing services ‘to mark a person’s gender transition’ that could be commended for use across the Church of England on a permissive basis. ‘Marking a person’s gender transition’ means using liturgy to affirm before God that transition has taken place, so that someone who was regarded as male is now recognised as female or vice versa and to bless and/or pray for them in their new identity.

The pastoral guidance from the House of Bishops and the responses to it

3.2.9. In January 2018 the House of Bishops responded to the motion by producing GS Misc. 1178 *An update on ‘Welcoming Transgender People.’*⁶⁰

3.2.10. Paragraph 3 declares:

The House of Bishops welcomes and encourages the unconditional affirmation of trans people, equally with all people, within the Church, the body of Christ, and rejoices in the diversity of that one body, into which all Christians have been baptized by one Spirit.

3.2.11. Paragraph 4 of this Paper then states:

After taking time to consider the issue prayerfully, the House would like to encourage ministers to respond to any such requests in a creative and sensitive way. If not already received, baptism and confirmation are the normative ways of marking a new or growing faith in Jesus Christ. If the enquirer is already baptized and confirmed, the House notes

⁵⁹ ‘Welcoming Transgender People’ at <https://www.churchofengland.org/more/mediacentre/news/welcoming-transgender-people>

⁶⁰ The full text can be found at <https://www.churchofengland.org/sites/default/files/2018-01/GS%20Misc%201178%20An%20update%20on%20Welcoming%20Transgender%20People%20%28003%29.pdf>

that the Affirmation of Baptismal Faith, found in *Common Worship*, is an ideal liturgical rite which trans people can use to mark this moment of personal renewal.

- 3.2.12. In this Paper the House of Bishops promised to give further guidance on the matter and in December 2018 they published *Pastoral Guidance for use in conjunction with the Affirmation of Baptismal Faith in the context of gender transition*.⁶¹
- 3.2.13. This guidance commends the use of the Affirmation of Baptismal Faith as a way of marking liturgically an individual's gender transition. The guidance stresses that a service to mark gender transition should have a distinct 'celebratory character' and that transgender people should be addressed publicly by their chosen name. It also gives a list of possible readings and suggestions for the use of water and anointing with oil.
- 3.2.14. The guidance was produced in consultation with transgender people and according to the statement on the Church of England website it is intended to 'provide a rich and generous space for trans people to locate their lives in the existing liturgy for the Affirmation of Baptismal Faith'.⁶² It is also important to note that the guidance is permissive rather than mandatory, in the sense that clergy may, but do not have to, hold services to mark gender transition.
- 3.2.15. The guidance has been welcomed as a step towards the inclusion of transgender people in the Church of England. However, it has also been criticized both by those who wanted the bishops to produce specific services to mark gender transition⁶³ and by those on the orthodox side of the debate who feel that it is a misuse of baptismal liturgy, which is about confessing faith and not about naming a person, and effectively changes the Church of England's doctrinal position from that agreed by the House of Bishops in 2003.⁶⁴
- 3.2.16. As the orthodox critics see it, the Church declares what it believes through its liturgy (as the Latin tag has it *lex orandi, lex credendi*).⁶⁵ Therefore, by officially commending services to mark gender transition the House of Bishops has accepted that the identity which transgender people claim for themselves is a reality and ought to be celebrated before God, even if it allows individual members of the clergy to continue to dissent from this position. This means the House of Bishops appears to be attempting to pre-empt the decision on transgender issues which was meant to emerge after, and as a result of, the 'Living in Love and Faith' process.

3.3. Disagreement within the Church of England on same-sex relationships and gender transition

- 3.3.1. As the differing responses to the Pastoral Guidance on services to mark gender transition indicate, just as there is still disagreement within British society as a whole on same-sex

⁶¹ This can be found at <https://www.churchofengland.org/sites/default/files/2018-12/Pastoral%20Guidance-Affirmation-Baptismal-Faith.pdf>

⁶² 'Guidance for gender transition service published' <https://www.churchofengland.org/more/media-centre/news/guidance-gender-transition-services-published>.

⁶³ See Christina Beardsley, 'Ritual Transitions and Liturgical Loopholes', *The Church Times*, 23 January 2018.

⁶⁴ See 'A Response to the House of Bishops Guidance on Transgender Welcome' at <https://www.responsetohob.co.uk/>

⁶⁵ See Martin Davie, *Lex Orandi Lex Credendi* (London: Latimer Trust, 2019).

relationships and gender transition, so also there is continuing disagreement within the Church of England on these matters.

3.3.2. With regard to same-sex relationships, there is agreement on all sides that same-sex sexual activity between consenting adults should not be illegal, that all forms of physical or verbal violence against same-sex people because of their sexuality or relationships is morally wrong, that people with same-sex attraction should be as welcome to be part of the Church as anyone else and that the Church should repent of its failure to welcome them adequately in the past.

3.3.3. There is disagreement over five issues:

1. Whether it is right for two people of the same sex to have sexual intercourse;
2. Whether it is right for someone who is in a same-sex sexual relationship to be ordained;
3. Whether it is right for the Church to bless lesbian or gay relationships;
4. Whether a relationship between two people of the same sex can be a marriage;
5. What appropriate pastoral care for people with same-sex attraction should involve.

3.3.4. Those on the liberal side of the disagreement would answer 'yes' to 1, 2 and 3 and an increasing number would now also say 'yes' to 4. They would also say that pastoral care for people with same-sex attraction should involve affirming same-sex sexual relationships.

3.3.5. Those on the orthodox side, by contrast, would say 'no' to 1-4 and would say that while the Church should welcome and support people with same-sexual attraction it should not affirm same-sex sexual relationships.

3.3.6. With regard to gender transition, there is again agreement that those who experience gender dysphoria, or who have gone, or who are going, through gender transition, should not be subject to physical or verbal violence, that they should be as welcome in church as anyone else, and that the Church should repent of its failure to adequately welcome them in the past.

3.3.7. However, there is also disagreement, with four positions that can be identified:

- a. To reject one's biological sexual identity is to go against the design of God.
- b. While the existence of gender dysphoria is a result of the fallenness of creation, helping people to adapt their bodies to meet their own sense of their identity may be the best way to respond to this particular aspect of the Fall.
- c. The existence of transgender people has nothing to do with the Fall, but is simply part of the essential diversity of God's good creation. God has simply made some people transgender in the same way he has made some people left-handed and they should be encouraged to live accordingly.

- d. The genderless nature of God means that we need to challenge the whole idea that being male or female is a necessary part of human identity.⁶⁶

3.3.8. For those who take this last view, the key significance of the transgender issue is that it challenges generally accepted views of the importance of gender division. They would argue that even those who have transitioned to a new gender have to learn to sit lightly to it rather than see it as a final or essential aspect of their identity.

3.3.9. Each of these four views then leads to different views of how best to respond to gender dysphoria and what constitutes appropriate pastoral care for those who experience it. Liberals would support b, c, and d, while those who take an orthodox view would support a.

3.3.10. There are those who take a generally orthodox view on human sexuality who would support b. Their position is understandable as a response to the extreme distress often experienced by people with gender dysphoria. However, as will be explained in detail in Chapter 4, this position is problematic. This is because, from the perspective of the Bible and the Christian tradition, it gives theological legitimation to people rebelling against God's good ordering of his creation by rejecting the sex in which he has created them, something which is serious moral error.

3.3.11. Alongside all the disagreements we have noted above there is also the key issue of mission. The question here is what approaches to same-sex relationships and gender transition will best enable the Church of England to obey the Great Commission in Matthew 28:18-20 in the context of contemporary British society.

3.3.12. Does the Church need to affirm same-sex relationships and gender transition in order to remove an unnecessary obstacle to people discovering the love of God in Christ? Or does the Church need to declare that abstinence from sex outside heterosexual marriage and acceptance of one's biological sex are an integral part of what makes for human flourishing and an unavoidable part of faithful Christian discipleship?

3.4. Summary

3.4.1. In this chapter we have traced the development of the Church of England's approaches to the issues of same-sex relationships and gender transition and noted where the Church of England currently stands on these issues. In the last part of the chapter we have also noted the agreements and disagreements within the Church of England about them.

3.4.2. In the next chapter we shall go on to consider the significance of the disagreements we have noted and how they should best be handled. We shall begin by noting how Christians should handle disagreement about these matters in the light of a different narrative from the one that is currently dominant in our society.

⁶⁶ For the range of approaches to understanding transgender see James Beilby and Paul Eddy (eds.), *Understanding Transgender Identities – Four Views* (Grand Rapids: Baker Academic 2019) and Martin Davie, *Transgender Liturgies?* (London: Latimer Trust, 2017).

Part II. How should we understand and respond to where we are today?

Chapter 4. How should we approach the disagreements in the Church of England over same-sex relationships and gender transition?

4.1. Living in the light of the Christian narrative

- 4.1.1. As we noted in Chapter 2, there is a prevalent narrative in our society about how people have been set free from the unjust shackles of traditional morality so that they can be free to live as the unique individuals that they are. Because, as we also noted, this prevalent narrative is now seen as constituting public truth in our society, public discussion about same-sex relationships and gender transition these days almost always takes place in relation to it. This means that when there is disagreement about same-sex relationships and gender transition (as in the current discussion about relationship education in schools) those who support same-sex relationships and gender transition are seen as ‘in the right’ because they are on the side of freedom from the constraints of traditional forms of belief and behaviour whereas those who do not are seen as ‘in the wrong’ because they are ‘bigots’ who want a return to oppression.
- 4.1.2. Christians, however, should not handle their disagreement about these matters within the framework of this prevalent cultural narrative. This is because we have our own narrative, the ‘better story’ of Glynn Harrison’s book title and their calling as Christians is to live in the light of this narrative.⁶⁷ To use the analogy of the performance of drama, this narrative is the ‘script’ which as Christians we are called to live out.⁶⁸
- 4.1.3. The Christian narrative is based on the convergent testimony of the ‘two books’ of nature and Scripture, both of which have been created by God, and both of which bear witness to his being and activity. Like the prevalent narrative in our society, the Christian narrative also holds that each individual is unique and that all individuals should be true to who they really are and they should have the opportunity to flourish in every aspect of their being. However, where the Christian narrative differs is that it holds that these truths need to be understood in relation to God’s nature, God’s activity, and the fact that the resurrection of Christ means that death is not the end of the human story, but merely the beginning of a new chapter in it.
- 4.1.4. According to the Christian narrative, each person is unique because we are all individually created by the God who created and sustains the universe as a whole (Psalm 139: 13-18). However, as humans we are not only unique, but share a common human nature with all other human beings.
- 4.1.5. God has created all human beings as rational creatures, who possess bodies and souls and who are male and female. As rational creatures we have the capacity for knowledge and love and God calls us to exercise this capacity by being in a loving relationship with him, by reflecting his

⁶⁷ For some people, the term ‘narrative’ implies a ‘made up’ or ‘invented’ story. However, as the *New Oxford Dictionary of English* (Oxford: OUP, 1998, p.1231) declares, a narrative is simply ‘a spoken or written account of connected events.’ There is no implication that the account has been made up and thus nothing contradictory in the Christian claim that their faith is based on a true narrative.

⁶⁸ For the importance of Christians living according to their own narrative see Lesslie Newbigin, *The Gospel in a Pluralist Society* (London: SPCK 1989) and for the idea of this narrative as a script see Kevin Vanhoozer, *The Drama of Doctrine* (Louisville: Westminster John Knox Press, 2005).

character and by caring for each other and for the world that he has made. This is what it means to live as those created by God in his image and likeness (Genesis 1:26-27).

- 4.1.6. Consequently, being true to ourselves means being true to the person God has made us to be, which in turn means choosing to live in the way that he has designed us to live as his human creatures.
- 4.1.7. The Christian narrative further tells us that the intrusion of evil into human lives meant that we became unable to know properly our true, God given, identities and to live as God intended us to live. God dealt with that situation by sending his Son Jesus Christ to reveal who we truly are, to rescue us from our failure to live as we should and to offer us, if we are willing to receive it, supernatural strength through God's Spirit to begin to live in accordance with God's will.
- 4.1.8. Those who live in this way will truly flourish, even if they face acute challenges and hardship. After they die they will be resurrected at the end of time to live with God forever in a new creation from which all evil will have been banished and in which they will find true fulfilment beyond our present capacity to imagine.⁶⁹
- 4.1.9. So, how should we approach disagreement within the Church in the light of the Christian narrative? We need first to consider the nature of disagreement from a Christian perspective.

4.2. **What do we mean by disagreement?**

- 4.2.1. The *first* thing we need to note is that 'disagreement' is not the same as 'diversity'. To disagree is to have different convictions about how things are or should be. Diversity, on the other hand, just means difference.
- 4.2.2. The *second* thing we need to note is that disagreement as to the truth, whether in the Church or more widely, is a result of our fallen condition. God knows the truth about all things. This is what is meant when Job 28:24 tells us that God 'looks to the ends of the earth and sees everything under heaven' and Hebrews 4:13 declares 'before him no creature is hidden, but all are open and laid bare to the eyes of him with whom we have to do.'
- 4.2.3. As creatures made in God's image human beings are also created to know the truth. We can see this in the second account of creation in Genesis. We are told that 'the Lord God formed every beast of the field and every bird of the air, and brought them to the man to see what he would call them; and whatever the man called every living creature, that was its name' (Genesis 2:19). What the word 'name' means in this verse is what something is. What is being described, therefore, is an act of truthful discernment. Adam is not just arbitrarily naming the birds and the animals. He is discerning truthfully what they are and what makes one creature different from another. Like God, he knows the true nature, 'the name,' of things.⁷⁰
- 4.2.4. If all human beings engaged in this kind of truthful discernment all of the time, then there would never be any disagreement between them as to the truth. We would all know the truth and we would all agree about the truth. Tragically, however, the result of the big lie told by the devil

⁶⁹ For helpful summaries of the Christian narrative see Karl Barth, *Dogmatics in Outline* (London: SCM, 1985), C S Lewis, *Mere Christianity* (Glasgow: Fontana, 1984) and J I Packer, *Knowing God* (London: Hodder and Stoughton, 1990).

⁷⁰ For a helpful discussion of this point see Thomas Aquinas, *Summa Theologica*, Part 1, Question 94.

and accepted by the first human beings (Genesis 3:1-7) is that we have lost the ability to always see things as they really are and to always be honest about what we do see. It is for that reason that human beings disagree as to the truth.

4.2.5. However, God has provided a remedy for this situation. Jesus is truth incarnate (John 14:6, 'I am the truth') and he has come to restore our ability to know the truth. In John 8:31-32 Jesus declares 'if you continue in my word, you are truly my disciples, and you will know the truth, and the truth will make you free.' This comes about through the work of the Holy Spirit who is sent by Jesus to 'guide you into all the truth' (John 16:13).

4.2.6. Like the whole of our re-creation through Jesus, our ability to discern the truth is a work in progress. At the moment 'our knowledge is imperfect' (1 Corinthians 13:9) but in heaven we shall understand fully in the same way that we ourselves are fully understood by God (1 Corinthians 13:12). As C S Lewis puts it in his book *The Great Divorce*, human beings are created with an innate desire for truth and this desire will one day be satisfied. God will bring us to a place where we can taste truth 'like honey and be embraced by it like a bridegroom. Your thirst shall be quenched'.⁷¹

4.3. **Why disagreement is not good**

4.3.1. What all this means is that the term 'good disagreement,' which has been much used in the Church of England of late, is a problematic one. Disagreement can never in itself be good when it relates to the truth. We disagree because in our fallen condition we either don't know the truth; or we are unwilling to accept it when it is presented to us. The vocation of the Church is therefore not to practise 'good disagreement.' The vocation of the Church is to be a community where, as far as possible, disagreement as to the truth does not exist because truth is known, accepted and celebrated. Difference will still exist (for example, I will still remain a different person from all my fellow Christians), but disagreement as to the truth will not.

4.3.2. The saints in glory presumably already fully practise this vocation. However, as already noted, those of us who are still on earth remain imperfect in knowledge and therefore don't have a full knowledge of the truth. As Paul reminds us in 1 Corinthians 13:9 'our knowledge is imperfect.'

4.3.3. We are also still sinful, and therefore unwilling to accept the truth when it challenges what we want to believe, makes us look bad, or involves us having to admit we were wrong.⁷² For these reasons the potential for disagreement will always be present in the Church and we have to think about how to handle it in the best way possible. That is, presumably, what the phrase 'good disagreement' is getting at. But it would be more accurate to talk about better and worse ways of handling disagreement, or 'disagreement handled well'.

4.4. **Handling disagreement well**

4.4.1. What follows from this is that our aim, both as individuals and as the Church, has to be to handle disagreement as well as possible.

4.4.2. *First*, we have to recognize that the prohibitions of murder and false witness in the sixth and ninth commandments (Exodus 20: 13 and 16) apply in the case of our disagreements as much

⁷¹ C S Lewis, *The Great Divorce* (Glasgow: Fontana, 1972) p41.

⁷² Lewis, pp35-44 is very helpful on this point.

as elsewhere. As the paraphrase of these commandments in the Prayer Book Catechism tells us, these commandments do not simply prohibit unlawful killing and lying in court. Their wider application is that we are 'to hurt nobody by word nor deed', 'to bear no malice in my heart' and to keep our tongue 'from evil-speaking, lying and slandering'.

4.4.3. However strongly we disagree with people, and however much this may incline us to want to attack them in word or deed, these commandments still apply and so we may not do so. We may legitimately criticise their beliefs or actions, but we may not attack them as people, but should instead seek to love them as Christ has loved us.

4.4.4. *Secondly*, we have to accept that our own knowledge of the truth and our willingness to accept it are both limited. This means we need to be willing to accept correction from those with whom we disagree and change what we think or do, always providing that that our reason for change is a greater perception of truth and not just a desire to please someone else or achieve some advantage for ourselves. This need for correction and change also necessitates a willingness to listen to, and engage in dialogue with, those with whom we disagree. If we only engage with those with whom we already agree, correction and change will be impossible. In so far as the Living in Love and Faith project involves this kind of constructive dialogue then its legitimacy as a way of handling disagreement well has to be acknowledged. The concern is whether the project will end up with an agreement in the truth or an unwillingness to distinguish truth from error.

4.4.5. *Thirdly*, we need to understand that the command, 'You shall love your neighbour as yourself' (Leviticus 19:18/Matthew 19:19) means that as far as we can we are called to lead people into truth and protect them from error by praying for them and taking all other forms of appropriate action.

4.4.6. If we know that someone is in error, particularly when that error is about something serious, and especially when it has to do with their obedience to God, we cannot simply shrug our shoulders and say, 'OK, go your own way then.' That would be failure of love. Human beings are made not to live in error, but to live in the truth, and if we can help this to happen, then we have an inescapable obligation to do so.

4.4.7. Equally, in so far as we are able to do so, we have an obligation to protect people from error. That is to say, when there are people who know the truth, but may potentially be tempted to depart from it, we must do our best to prevent this happening. This is a particularly important part of the vocation of church leaders. That is why Paul told the Ephesian elders at Miletus:

'Take heed to yourselves and to all the flock, in which the Holy Spirit has made you overseers, to care for the church of God which he obtained with the blood of his own Son. I know that after my departure fierce wolves will come in among you, not sparing the flock; and from among your own selves will arise men speaking perverse things, to draw away the disciples after them.' (Acts 20:28)

4.4.8. Caring for the flock means seeking to prevent the sheep being led astray.

4.4.9. *Fourthly*, given that complete agreement between professing Christians on all matters of faith and practice is not going to happen this side of Christ's return, we have to decide the importance to be attached to different kinds of disagreement. When does there need to be agreement in faith and practice and when can we live with disagreement? To use the traditional terminology,

which things are essential and which are adiaphora? In order to address this issue, we shall first of all consider the meaning of the notion of adiaphora with the help of the *Windsor Report* published by the Lambeth Commission on Communion in 2004.

4.5. The Windsor Report on adiaphora

4.5.1. The *Windsor Report's* discussion of adiaphora begins by noting that:

As the Church has explored the question of limits to diversity, it has frequently made use of the notion of adiaphora: things which do not make a difference, matters regarded as non-essential, issues about which one can disagree without dividing the Church. This notion lies at the heart of many current disputes. The classic biblical statements of the principle are in Romans 14.1-15.13 and 1 Corinthians 8-10. There, in different though related contexts, Paul insists that such matters as food and drink (eating meat and drinking wine, or abstaining from doing so; eating meat that had been offered to idols, or refusing to do so), are matters of private conviction over which Christians who take different positions ought not to judge one another. They must strive for that united worship and witness which celebrate and display the fact that they are worshipping the same God and are servants of the same Lord.⁷³

4.5.2. It then further notes that at the Reformation:

This principle of 'adiaphora' was invoked and developed by the early English Reformers, particularly in their claim that, in matters of eucharistic theology, specific interpretations (transubstantiation was particularly in mind) were not to be insisted upon as 'necessary to be believed', and that a wider range of interpretations was to be allowed. Ever since then, the notion of 'adiaphora' has been a major feature of Anglican theology, over against those schools of thought, both Roman and Protestant, in which even the smallest details of belief and practice are sometimes regarded as essential parts of an indivisible whole.⁷⁴

4.5.3. Having explained what is meant by adiaphora and how it was used at the Reformation and has been used by Anglicans since, the *Windsor Report* goes on to emphasise that not all disagreements can be placed into the category of adiaphora. Adiaphora is not the same as the post-modern concept of difference. In the words of the Paper, it is not the case that:

... either for Paul or in Anglican theology all things over which Christians in fact disagree are automatically to be placed into the category of 'adiaphora'. It has never been enough to say that we must celebrate or at least respect 'difference' without further ado. Not all 'differences' can be tolerated. (We know this well enough in the cases of, say, racism or child abuse; we would not say 'some of us are racists, some of us are not, so let's celebrate our diversity'). This question is frequently begged in current discussions, as for instance when people suggest without further argument, in relation to a particular controversial issue, that it should not be allowed to impair the Church's unity, in other words that the matter in question is not as serious as some suppose. In the letters already

⁷³ The Lambeth Commission on Communion, *The Windsor Paper 2004* (London: The Anglican Communion Office, 2004), paragraph 87.

⁷⁴ *The Windsor Paper*, paragraph 88.

quoted, Paul is quite clear that there are several matters – obvious examples being incest (1 Corinthians 5) and lawsuits between Christians before non-Christian courts (1 Corinthians 6) – in which there is no question of saying ‘some Christians think this, other Christians think that, and you must learn to live with the difference’. On the contrary: Paul insists that some types of behaviour are incompatible with inheriting God’s coming kingdom, and must not therefore be tolerated within the Church. ‘Difference’ has become a concept within current postmodern discourse which can easily mislead the contemporary Western Church into forgetting the principles, enshrined in scripture and often rearticulated within Anglicanism, for distinguishing one type of difference from another.⁷⁵

4.5.4. As the *Windsor Report* sees it, there are clear criteria on the basis of which one can discuss whether a given matter is adiaphora or not:

The question then naturally arises as to how one can tell, and indeed as to who can decide, which types of behaviour count as ‘adiaphora’, and which do not. For Paul, the categories are not arbitrary, but clearly distinct. For instance: that which would otherwise separate Jew and Gentile within the Church is ‘adiaphora’. That which embodies and expresses renewed humanity in Christ is always mandatory for Christians; that which embodies the dehumanising turning-away-from-God which Paul characterises with such terms as ‘sin’, ‘flesh’, and so on, is always forbidden. This, of course, leaves several questions unanswered, but at least sketches a map on which further discussions may be located.⁷⁶

4.5.5. A final point made by the *Windsor Report* is that even when something can be seen as adiaphora this does not mean that it is right to do it, if doing it would cause conscientious difficulties for other Christians:

Even when the notion of ‘adiaphora’ applies, it does not mean that Christians are left free to pursue their own personal choices without restriction. Paul insists that those who take what he calls the ‘strong’ position, claiming the right to eat and drink what others regard as off limits, must take care of the ‘weak’, those who still have scruples of conscience about the matters in question – since those who are lured into acting against conscience are thereby drawn into sin. Paul does not envisage this as a static situation. He clearly hopes that his own teaching, and mutual acceptance within the Christian family, will bring people to one mind. But he knows from pastoral experience that people do not change their minds overnight on matters deep within their culture and experience.

Whenever, therefore, a claim is made that a particular theological or ethical stance is something ‘indifferent’, and that people should be free to follow it without the Church being thereby split, there are two questions to be asked. *First*, is this in fact the kind of matter which can count as ‘inessential’, or does it touch on something vital? *Second*, if it is indeed ‘adiaphora’, is it something that, nevertheless, a sufficient number of other Christians will find scandalous and offensive, either in the sense that they will be led into acting against their own consciences or that they will be forced, for conscience’s sake, to break fellowship with those who go ahead? If the answer to the latter question is ‘yes’,

⁷⁵ *The Windsor Paper*, paragraph 89.

⁷⁶ *Ibid.* paragraph 90

the biblical guidelines insist that those who have no scruples about the proposed action should nevertheless refrain from going ahead.⁷⁷

4.6. **Assessing the disagreements we are facing in the Church of England**

4.6.1. If we assess the current disagreements within the Church of England over same-sex relationships and gender transition in the light of what is said in these paragraphs of the *Windsor Report*, three points become clear.

4.6.2. *First*, considered in the abstract, the notion of adiaphora would allow room for differences of theology and practice concerning same-sex relationships and gender transition legitimately to co-exist within the Church of England. If these matters are indeed adiaphora then we would be free to have differences of theology and practice regarding them, just as Paul taught that there could be differences about whether it was right to eat food that had been sacrificed to idols.

4.6.3. *Secondly*, however, even if it could be established that these are matters which are adiaphora, this would not mean that liberals would then be free to act on their convictions regarding them.

4.6.4. Two examples illustrate this. Two of the ways in which liberals wish to act upon their convictions are by hosting Pride services in cathedrals and other churches and by using church services as occasions to mark people's gender transition. However, to use the language of the *Windsor Paper*, there are a large number of orthodox Christians who find such actions 'scandalous and offensive.' It therefore follows that 'those who have no scruples about the proposed action should nevertheless refrain from going ahead.' In Pauline terms, the 'strong' who have no scruples about the action in question should respect the consciences of the 'weak' who do.

4.6.5. What this means is that, even if same-sex relationships and gender transition *are* adiaphora, this in itself places restrictions on the actions that liberals may rightly take in relation to them, restrictions that would rule out things that liberals are currently doing, such as the actions mentioned in the previous paragraph.

4.6.6. Thirdly, if we accept what is said in the *Windsor Report* it is clear that same-sex relationships and gender transition are not in fact matters that are adiaphora. This is not because they are matters which are 'mandatory' (even the strongest supporters of same-sex relationships and gender transition would not claim that they are compulsory for all Christians). It is because, in the words of the *Windsor Report*, they embody 'the dehumanising turning-away-from-God which Paul characterises with such terms as 'sin', 'flesh', and so on' and as such are matters which involve serious moral error and therefore come into the category of things that are forbidden. For a church to give its support to such matters would, therefore, be for it to support serious moral error, and this something a church can never rightly do.

4.7. **Why same-sex relationships and gender transition are matters which involve serious moral error**

4.7.1. To understand why same-sex relationships and gender transition are matters which involve serious moral error, we need to note, first of all, that central to what it means for Christians to act rightly before God, both individually and collectively as churches, is obedience to God's call to love our neighbours. As Paul declares in Galatians 5:14, 'the whole law is fulfilled in one word,

⁷⁷ *The Windsor Paper*, Paragraphs 92-93

‘You shall love your neighbour as yourself.’ But what does it mean to love? As Oliver O’Donovan writes, love is ‘the appropriate pattern of free response to objective reality’.⁷⁸ We love someone, or something, when we respond appropriately to what someone or something truly is.

4.7.2. To love our neighbours, therefore, means responding appropriately to other human beings as persons who have been created by God as rational creatures with bodies and souls and the capacity to know and love.

4.7.3. Positively, this means ensuring that they have the things that they need for the well-being of their bodies, such as food and drink, clothing, shelter, medicine and so forth. It also means ensuring that they have the opportunity to acquire knowledge, to love and be loved by other human beings, and (most importantly of all) that they have the opportunity to know and love God.

4.7.4. If to love our neighbours means to respond appropriately to who they are, it follows that when we behave towards other people in ways that are seriously inappropriate, whether as individuals or as churches, then this is a serious failure of love and thus a direct contravention of God’s explicit command.

4.7.5. We can see this if we consider four issues that are generally considered to be extremely serious ethical matters: murder, torture, slavery and racism.

- Why is murder extremely serious? Because it involves deciding to bring to a premature end a life which God has created through separating a body and soul which are meant to continue to exist together in this world.
- Why is torture extremely serious? Because it involves an attack on someone’s God given soul and body through the application of extreme pain and very often an attack on their God given freedom through an attempt to coerce them into doing something against their will.
- Why is slavery extremely serious? Because it involves treating a fellow human being as a piece of property that is at our disposal, rather than as someone with God given dignity and the God given right to determine the course of their own life.
- Why is racism extremely serious? Because it involves viewing or treating another human being as less worthy than we are on the grounds of their ethnicity, ignoring the fact that we share a common God given humanity.

4.7.6. Tragically, Christian churches have historically been involved in all four of these types of activity, but it is now rightly accepted that this was wrong and something for which we need to express profound regret and, where appropriate, make amends. Any church that supported or engaged

⁷⁸ Oliver O’Donovan, *Resurrection and Moral Order* (Leicester: Apollos, 1994), p25.

in them today would be regarded as acting in a gravely sinful fashion and other churches would differentiate themselves from them.⁷⁹

4.7.7. If we now go on to consider the issues of same-sex relationships and gender transition, we find that they too have to be regarded as serious moral issues. They too, albeit in a different way, involve a serious failure to behave appropriately in the light of the way that God created human beings to be and a church that supports them is consequently involved in a serious failure of love and thus acting in a gravely sinful fashion.

4.7.8. As noted in the prologue and in paragraph 4.1.5 of this chapter, a central part of what it means to be created by God in his image and likeness is to be male or female. In the words of Genesis 1:27: 'So God created man in his own image, in the image of God he created him; male and female he created them.' This teaching is reiterated by Jesus in Matthew 19:4: 'Have you not read that he who made them from the beginning made them male and female.'

4.7.9. There is a very small percentage of people, some 0.018% of live births (approximately 1:5000), who are genuinely 'intersex' in the sense that they combine both male and female elements in their physiology. However, the existence of such people still points to the fundamentally dimorphic, male-female, nature of human sexuality. Where they are able to reproduce, and that is often not the case, they do so either as male or female. Their condition is a developmental disorder rather than the existence of a third type of human being and is the exception that proves the rule.⁸⁰

4.7.10. Because this is the case, except in these highly exceptional and biologically distinct cases, believing rightly in 'God the Father who hath made me and all the world'⁸¹ means accepting with gratitude that I am the particular male or female human being that God has created me to be and living accordingly.

4.7.11. Oliver O'Donovan makes this point well when he writes:

The sex into which we have been born (assuming it is physiologically unambiguous) is given to us to be welcomed as the gift of God. The task of psychological maturity—for it is a moral task, and not merely an event which may or may not transpire—involves accepting this gift and learning to love it, even though we may have to acknowledge that it does not come to us without problems. Our task is to discern the possibilities for personal relationship which are given to us with this biological sex, and to seek to develop them in accordance with our individual vocations. Those for whom this task has been comparatively unproblematic (though I suppose that no human being alive has been without some sexual problems) are in no position to pronounce any judgement on those for whom accepting their sex has been so difficult that they have fled from it into denial. Nevertheless, we cannot and must not conceive of physical sexuality as a mere raw material with which we can construct a form of psychosexual self-expression which is determined only by the free impulse of our spirits. Responsibility in sexual development

⁷⁹ A good example of this is the way many Christians disassociated themselves from the Dutch Reformed Church in South Africa over its support for apartheid.

⁸⁰ For a more detailed discussion of this point what it might mean for intersex people to live rightly before God see *Glorify God in your body*, pp111-119.

⁸¹ The Catechism in the *Book of Common Prayer*.

implies a responsibility to nature—to the ordered good of the bodily form which we have been given.⁸²

4.7.12. As O'Donovan goes on to say:

When God made mankind male and female, to exist alongside each other and for each other, he gave a form that human sexuality should take and a good to which it should aspire. None of us can, or should, regard our difficulties with that form, or with achieving that good, as the norm of what our sexuality is to be. None of us should see our sexuality as mere self-expression, and forget that we can express ourselves sexually only because we participate in this generic form and aspire to this generic good. We do not have to make a sexual form, or posit a sexual good. We have to exist as well as we can within that sexual form, and in relation to that sexual good, which has been given to us because it has been given to humankind.⁸³

4.7.13. This means that it is not legitimate either to deny the God-given form by rejecting the division of humanity into male and female, or to deny the particular version of that form that God has given to us by making us either male or female. However difficult this form may be for us to accept, to deny it would be sinful because it would involve refusing to say to God 'thy will be done' by refusing to love who God has made us to be.

4.7.14. Any refusal to say to God 'thy will be done' – and this is the heart of every sin we commit – needs to be viewed in the light of God's final judgment. As C S Lewis writes in his book *The Great Divorce* there is an inescapable binary choice facing all human beings. 'There are only two kinds of people in the end: those who say to God, 'Thy will be done,' and those to whom God says, in the end, 'Thy will be done.'"⁸⁴

4.7.15. Lewis's point is that God has given human beings freedom to shape their own destinies. We can choose to say to God 'thy will be done' and be happy with God for ever in the world to come, or we can choose to turn our back on God. If we do this, God will respect our decision, but the inevitable consequence will be that in the world to come we will be cut off from God and all good for ever.

4.7.16. The fundamental problem with both gender transition and same-sex relationships is that they do involve a rejection, in both theory and practice, of the sexual identity which we have been given by God and thus a failure to say to God 'thy will be done.'

4.7.17. In the case of gender transition, the issue is people suffering from gender dysphoria refusing to accept the sexual identity of their body as given and seeking to inhabit some other form of sexual identity instead. By doing this, they act in a way that is incompatible with the biblical teaching that we should live in accordance with the sexual identity that God has given to us.

4.7.18. This teaching can be found in Deuteronomy 22:5 which prohibits cross-dressing on the grounds that 'to dress after the manner of the opposite sex was to infringe the normal order of

⁸² Oliver O'Donovan, *Begotten or Made?* (Oxford: OUP, 1984), pp28-29.

⁸³ Ibid. pp29-30.

⁸⁴ C S Lewis, *The Great Divorce* (Glasgow: Fontana, 1972), pp66-67.

creation which divided humanity into male and female.⁸⁵ It can also be found in 1 Corinthians 11:2-16 where St Paul tells the Corinthians that men should follow the dress and hair codes which proclaim them to be male and women the codes which proclaim them to be female because 'God's creation needs humans to be fully, gloriously and truly human, which means fully and truly male and female'.⁸⁶

4.7.19. Such teaching does not mean that Christians should uncritically embrace the gender stereotypes of any given society. Christian missionaries in China, for example, were right to reject the idea that women should have tiny feet and that it was right to bind the feet of young girls in order to achieve this⁸⁷ and Christians today are right to challenge the restrictions on women's education that exist in various parts of the world.

4.7.20. What it does mean is that we should live in a way that proclaims to our society the truth of our creation by God as male or female. Engaging in gender transition is incompatible with this calling because it necessarily involves refusing to accept and live out the truth of the male or female identity that God the creator has given to us, by deliberately adopting instead an artificially-created alternate identity. To acknowledge this point is not to minimise the acute distress experienced by people with gender dysphoria. It is, rather, to give a theological account of what using gender transition to relieve this distress entails.

4.7.21. The argument is often made that people who engage in gender transition cannot be said to be sinning since they are not deliberately choosing to go against God's will. They see the identity they are seeking to live out as their true God-given identity and they simply desire to live according to this true identity.

4.7.22. What is said in this argument is true as an account of how the people involved view their situation. However, two further points need to be noted.

4.7.23. First, we have to distinguish between how an individual subjectively views their identity and what is objectively true. To be male or female is a matter of biology,⁸⁸ and this biological truth (which will continue to be the case even in the world to come) unaffected by whatever gender identity someone claims. This means that someone who is biologically male or female and who claims an alternative gender identity is in fact rejecting the sex that God has given them, regardless of how they view the matter.

4.7.24. Secondly, the fact that people with gender dysphoria have a distorted view of their situation which they then make the basis of sinful actions is not in fact something which makes them

⁸⁵ P.J. Harland 'Menswear and Womenswear: A Study of Deuteronomy 22:5,' (*Expository Times*, 110, No.3, 1988), p76.

⁸⁶ Tom Wright, *Paul for Everyone – I Corinthians* (London: SPCK, 2003), p143.

⁸⁷ See B. Lau, 'The limits of the civilizing mission: a comparative analysis of British Protestant missionary campaigns to end foot binding and female circumcision.' *Social Sciences and Missions*, 21(2), 2008, pp 193-227.

⁸⁸ For a detailed exposition of this point see Ryan Anderson, *When Harry Became Sally* (New York: Encounter Books, 2018), Ch.4. It is sometimes argued that people with gender dysphoria are in fact intersex because they have male brains in a female body and vice versa, but the evidence for this claim is not persuasive. See Lawrence Meyer and Paul McHugh, 'Gender Identity' in *New Atlantis*, Fall 2016, pp.100-104, and J Alan Branch, *Affirming God's Image* (Bellingham: Lexham Press, 2019), Ch 5.

unique. As noted in paragraph 4.2.4 above, as a result of the Fall human beings have lost the ability to always see things as they truly are (see Romans 1:21). Acts of sin (of whatever kind) occur when a distorted view of reality resulting from the Fall leads to wrong desires which in turn give birth to wrong actions. As Augustine argues in Book XIV of *The City of God*, 'our will is for our welfare' and this results in acts of sin because, misled in our thinking as a result of the Fall, 'we commit sin to promote our welfare'.⁸⁹

4.7.25. If we take adultery as an example, we find that what takes place is that the mind of an adulterer, being disordered as a result of the Fall, wrongly believes that it would promote their welfare to have sex with someone who is married to someone else. This leads to the desire to have such sex and this in turn then leads to the act of adultery itself. If we take theft as a second example, we find that the mind of a thief wrongly believes that it would promote their welfare to have something that belongs to someone else. This leads to the desire to have that thing and hence to the act of theft.

4.7.26. Both the adulterer and the thief may sincerely believe that there is nothing wrong with what they are doing and that their behaviour is entirely justified as way of promoting their wellbeing. However, the fact remains that their acts are objectively sinful as violations of the seventh and eighth of the Ten Commandments.

4.7.27. If we transfer this analysis to the issue of gender transition, what we find is that a person suffering from gender dysphoria, because their mind is disordered as a result of the Fall,⁹⁰ wrongly believes that their true identity is different from that of their biology. This then leads to the desire to live according to that identity and hence to gender transition. As in the two previous examples, the person concerned may sincerely believe that what they are doing is right and may indeed feel that it is the only thing that they can possibly do to promote their welfare, but the fact remains that for the reasons previously explained what they are doing is objectively wrong.

4.7.28. To put it another way, it is entirely right to say that people with gender dysphoria are the victims of this condition in the same way that it would be right to say that someone else is the victim of a tendency towards pride, or someone else the victim of a tendency towards the abuse of alcohol. In all three cases the situation is not something that an individual has chosen. People do not get to choose their particular besetting sins. This truth should excite our understanding and compassion towards the person concerned together with the humbling recognition that 'there but for the grace of God go I'. It does not, however, mean that acts of pride, or drunkenness, or gender transition should not be considered sinful. They are acts which the victims of pride, or alcoholism, or gender dysphoria perform in order to promote what they see as their welfare, but because they involve someone 'not living in the way for which he was created'⁹¹ they are nonetheless acts of sin.

⁸⁹ Augustine, *The City of God*, Book XIV.4, text in David Knowles (ed), *Augustine, City of God* (Harmondsworth: Penguin 1972), p553.

⁹⁰ There are a number of different theories as to precisely what causes people to be misled into rejecting their God given sexual identity and the mechanism (s) involved may well vary from person to person (see Yarhouse Ch.3 for a helpful survey). However, whatever the causes are, they are a result of the Fall. They would not exist were the world not Fallen.

⁹¹ Augustine XIV.4. p552.

- 4.7.29. In the case of same-sex relationships the rejection of sexual identity may appear to be less obvious, but still exists. The point is that same-sex relationships involve either a man refusing to accept that as a man he was created by God to have sex with a woman: or a woman refusing to accept that as woman she was created to have sex with a man.
- 4.7.30. This does not, of course, mean that to be a man or a woman one has to have sex with a member of the opposite sex. Jesus and John the Baptist were no less male and no less fully human for being celibate. What it does mean is that a man was created to have sex with a woman rather than a man (and vice versa). To be a man is to be one who is potentially husband-to-a-wife, father-to-a-child and vice versa. To engage in same-sex sexual activity is to reject this God-given truth about human sexual identity. It is very similar to gender transition in that it rejects a core aspect of the duty to conform our lifestyle and behaviour to our God-given embodiment.
- 4.7.31. This is the point that underlies the prohibition of sexual relationships between men in Leviticus 18:22 and 20:13. Like all the other sexual prohibitions in these two chapters, the prohibition of men having sex with other men reflects the teaching contained in Genesis 1 and 2 about how God created the world. According to this teaching, God created human beings as male and female, with men designed to have sexual relations with women within marriage and vice versa. Gay sex is condemned in Leviticus because it involves a rejection by an individual of this key aspect of the created order.⁹²
- 4.7.32. This is also the point that Paul is making when he describes same-sex sexual relationships as ‘unnatural’ in Romans 1:27. In line with other Jewish thinkers of his time, St. Paul thinks they are unnatural because they violate the heterosexual form of sexual activity God has created men and women to engage in (as shown by the way their bodies are constructed).⁹³
- 4.7.33. For Paul same-sex sexual activity is thus a rejection of human createdness which parallels, and points to, the rejection of the creator through idolatry. That is why he cites it as the first example

⁹² See Robert Davidson, *Flame of Yahweh – Sexuality in the Old Testament* (Peabody: Hendrickson, 2007). pp149-159

⁹³ The point St. Paul makes in Romans is still supported by a modern biological understanding of what differentiates male and female human beings. As Christopher Tollefsen observes, when we look at human beings we find that:

... our identity as animal organisms is the foundation of our existence as selves. But fundamental to our existence as this animal is our sex. We are male or female organisms in virtue of having a root capacity for reproductive function, even when that capacity is immature or damaged. In human beings, as is the case with many other organisms, that function is one to be performed jointly with another human being; unlike the digestive function, no individual human being suffices for its performance.

Accordingly, reproductive function in human beings is distributed across the two sexes, which are identified by their having the root capacity for one or the other of the two general structural and behavioural patterns involved in human reproduction. In male humans, this capacity is constituted by the structures necessary for the production of male gametes and the performance of the male sex act, insemination. In females, the capacity is constituted by the structures necessary for the production of oocytes and the performance of the female sex act, the reception of semen in a manner disposed to conception. (Christopher Tollefsen, ‘Sex identity,’ (*Public Discourse*, 12 July 2015), text at <http://www.thepublicdiscourse.com/2015/07/15306/>

of the consequences of idolatry in human behaviour. As Tom Wright puts it, ‘the fact that such clear distortions of the creator’s male-plus-female intention occur in the world indicates that the human race as a whole is guilty of a character-twisting idolatry’.⁹⁴ Rejecting the creator and rejecting our createdness go together.

4.7.34. As in the case of those who engage in gender transition, those who engage in same-sex relationships may sincerely believe that they are not doing anything wrong. Because their minds are distorted by the Fall, they may well see their desire for a same-sex relationship as something that God approves of because of his wish for them to be happy and fulfilled. However, as in the case of gender transition, the fact that someone feels this does not mean that it is true, nor does it make a same-sex relationship something that is not sinful. Whatever a person’s subjective feelings about the matter, a same-sex relationship remains something that is sinful for the reasons given in the preceding paragraphs.

4.7.35. Same-sex marriages are a further development of the basic error involved in all same-sex relationships. In terms of Christian theology, they too involve a failure to conform our sexual relationships to our God-given embodiment. Marriage as created by God is a sexual relationship between two people of the opposite sex (Genesis 2:18-24). It follows that two men or two women cannot enter into marriage. Same-sex marriages involve a denial of this truth.

4.7.36. What all this means is that, like the other ethical issues considered earlier in this chapter, same-sex relationships (including same-sex marriages) and gender transition involve a rejection of the necessary implications of the first article of the Creed. People may still sincerely believe in ‘God the Father Almighty, Maker of heaven and earth,’ but they refuse to truly accept, or live out, this belief in so far as it relates to the existence of the particular men and women whom God has created.

4.7.37. As Martin Luther explains in his *Small Catechism* of 1529, the answer to the question of what it means to confess, ‘I believe in God, the Father almighty, Maker of heaven and earth’ is ‘I believe that God has created me and all that exists; that he has given me and still sustains my body and soul, all my limbs and senses, my reason and all the faculties of my mind’.⁹⁵ In other words, the Christian belief in God the creator is not just a vague deistic belief that God is the ultimate source of all that is, but also the very specific belief testified to in Psalm 139 that God made me as the particular combination of body and soul that I am. Both same-sex relationships and gender transition involve in different ways a rejection of that basic truth. They thus involve, ultimately, a failure to say to God ‘thy will be done.’

4.7.38. Because this is the case, from an orthodox Christian perspective any church which supports same-sex sexual relationships or gender transition is a church which is in serious error in its teaching and practice. It is giving support to forms of behaviour which involve serious moral error because they involve people departing from the way God created them to live. Such

⁹⁴ Tom Wright, *Paul for Everyone*, Romans 1, Part 1: Chapters 1-8 (London: SPCK, 2004), pp22-23. For a detailed exploration of Paul’s teaching in Romans 1 see Robert Gagnon, *The Bible and Homosexual Practice* (Nashville: Abingdon Press, 2001), pp229-302.

⁹⁵ Martin Luther, *Small Catechism*, Section I, in Mark Knoll (ed), *Confessions and Catechisms of the Reformation* (Vancouver: Regent College Publishing, 2004), p68.

behaviour is not adiaphora. It is simply wrong and so is supporting it, because, as we have seen, such support involves a serious failure of love and is thus a gravely sinful activity.

4.7.39. A key challenge to the approach to gender transition set out in this chapter is the issue of what a church should do when an individual remains committed to going through with gender transition, or when someone has come to the conclusion that the only alternatives open to them are gender transition or suicide. In these situations, it would still not be right for the church concerned to declare that gender transition is theologically justifiable. It is never right to say that something that is sinful is not sinful. However, what the church can and must do is offer the individuals involved long-term, unconditional, practical, love and support as they go through the process of transition and subsequently, and continue to pray that they will eventually be brought by God to see the truth about who they truly are and how they should therefore live.⁹⁶

4.7.40. An analogy to the approach suggested here is the approach that many churches already take to people who engage in pre-marital sex. It would never be right for a church to affirm pre-marital sexual activity because God created sexual intercourse to take place only within marriage. However, what churches should do, and are doing, is to offer long term love and practical support for people who do engage in pre-marital sex and who are currently unwilling to give it up, and to pray for them that with God's help they will be eventually be able to stop engaging in it, either by adopting sexual abstinence or by getting married. This existing model of long-term support and prayer, but not affirmation of a sinful form of behaviour, is the same model that should apply to those involved in gender transition.

4.7.41. The fact that a church that supports same-sex relationships or gender transition (as distinct from offering love and support to the people involved) is in serious error in its teaching and practice, raises the question of whether it is right for orthodox Christians to continue to associate themselves with a church that does support same-sex relations and gender transition in its teaching and practice. This is the issue we shall consider in the final section of this chapter.

4.8. **Does the existence of serious moral error necessitate separation from a church?**

4.8.1. To sum up where we have got to thus far, we have to say that same-sex relationships and gender transition are extremely serious matters because they involve a very fundamental rejection of basic Christian truth by saying 'no' to the way in which God has created human beings as male and female creatures and that support for them by a church in its teaching and practice is also an extremely serious moral error.

4.8.2. Given that this is the case it might seem to follow that orthodox Christians should not be part of a church that errs in this way. Separation from that church might seem to be required.

4.8.3. However, (a) an error-free church does not exist. As Articles XIX and XXI indicate, all churches are liable to error. It follows that the existence of some form of error does not automatically necessitate separation or else we could never belong to any church at all.

⁹⁶ The problem with the services to mark gender transition suggested by the House of Bishops is that they cross the line between offering someone love and support and giving theological affirmation to gender transition.

4.8.4. Furthermore (b) not all serious error necessitates complete separation from an existing church. This point is made, for example, by Richard Hooker in the face of the Puritan call for a total rejection of the Church of Rome. Hooker, like the other theologians of the English Reformation, held that the Church of Rome was in error on a whole host of serious matters, including as central a matter as justification by faith, and yet he declares:

Notwithstanding, so far as lawfully we may, we have held and do hold fellowship with them. For even as the Apostle doth say of Israel that they are in one respect enemies, but in another beloved of God, in like sort with Rome we dare not communicate concerning sundry her gross and grievous abominations, yet touching those main parts of Christian truth wherein they constantly still persist, we gladly acknowledge them to be of the family of Jesus Christ; and our hearty prayer unto God almighty is, that being co-joined so far forth with them, they may at the length (if it be his will) so yield to frame and reform themselves, that no distraction remain in anything, but that we 'all may with one heart and mouth glorify God, the Father of our Lord and Saviour,' whose Church we are.⁹⁷

4.8.5. The point that Hooker is making in this quotation is that a distinction has to be made between the 'gross and grievous abominations' of the Church of Rome with which 'we dare not communicate' and those 'main parts of Christian truth wherein they constantly still persist' and which make it possible to 'gladly acknowledge them to be of the family of Jesus Christ'

4.8.6. Hooker's words suggest that we need to introduce a distinction between the support given by a church to same-sex relationships and gender transition and a general commitment to the 'main parts of Christian truth' such as the doctrines of the Triunity of God, the divinity and humanity of Christ, Christ's death and resurrection for our salvation, and his coming in glory.

4.8.7. If such a general commitment to the main parts of truth exists, then some degree of Christian fellowship is still possible. To use the terminology of the Church of England's Faith and Order Commission,⁹⁸ in this situation 'apostolic communion' (i.e. communion rooted in a joint acceptance of the apostolic faith) can be said to be impaired, but it has not yet ceased to exist. Furthermore, if fellowship can exist, then arguably it should be maintained in the hope that those who have gone down the path of grievous error with regard to same-sex relationships and gender transition may yet be brought back to the path of truth.

4.8.8. An obvious objection to that approach is that there cannot be said to be joint acceptance of the apostolic faith if someone rejects the basic belief that God is the creator of heaven and earth. Is it not the case, it will be asked, that the argument in this chapter thus far suggests that acceptance of same-sex relationships and gender transition involves the rejection of this belief?

4.8.9. That is a reasonable question, but the answer to it is 'no.' This is because there is no evidence that those Christians who accept the legitimacy of same-sex relationships and gender transition have in fact rejected the belief that 'in the beginning God created the heavens and the earth' (Genesis 1:1). They still believe this, but they have failed to understand or accept the implications of the further truth that God has created human beings as male and female. This is a grave error, but it is not the same as the complete rejection of the doctrine of creation.

⁹⁷ Richard Hooker, *Laws of Ecclesiastical Polity*, Bk. III i.10 in *Works Vol I* (Oxford: OUP, 1841) pp283-284.

⁹⁸ The Faith and Order Commission, *Communion and Disagreement*, GS Misc 1139, 2016, paragraph 53.

- 4.8.10. If someone were completely to reject this doctrine, then it would be impossible to regard them as still accepting the apostolic faith (just as it would be impossible to regard someone who rejected the divinity of Christ as still accepting the apostolic faith). Indeed, it is hard to imagine how one could entirely reject the doctrine of creation while still believing in the existence of God. But this is not something that those who support same-sex relationships or gender transition have necessarily done. Thus, while they are in grave error, in Hooker's words they are still part 'of the family of Christ' and therefore some degree of fellowship with them is still possible.
- 4.8.11. However, orthodox Christians involved in fellowship with them would need to continue to make it clear that the doctrine of divine creation rules out any acceptance of gender transition and same-sex relationships. ***Some form of visible differentiation over these matters is therefore called for as a witness both to those within the Church and to the watching world.***
- 4.8.12. In the next chapter we shall go on to look in more detail at why differentiation is called for and what it needs to involve. We shall also look at the importance of structured forms of differentiation and assess the strengths and weaknesses of different forms of structured differentiation for orthodox Christians in the Church of England.

Chapter 5. The need for differentiation and what forms this might take

5.1. Differentiation in the Old and New Testaments

5.1.1. In the Old Testament the people of Israel, as the inheritors of the promise made by God to Abraham (Genesis 12:1-3), are called by God to live in a distinctive way that differentiates them from all the other nations upon earth. They are called to live in a distinctive place, the land of Canaan, and there they are called to worship the Lord, the one true creator God, and to obey the laws given to them by God through Moses.

5.1.2. This call to Israel to be distinctive is summarised most concisely in the words of Leviticus 19:2: 'You shall be holy; for I the Lord your God am holy.' As Chris Wright explains, this verse can also be translated 'You must be a distinctive people, because YHWH is a distinctive God'.⁹⁹

5.1.3. As Wright further explains, the fundamental point underlying Leviticus 19:2 is the fact that YHWH, the Lord God of Israel:

... is utterly unique and distinct as God. YHWH is not simply one of the gods of the nation, and not even like them. Holiness, among other things, includes this total otherness of YHWH as the Holy One of Israel – the utterly different God. For Israel to be holy then meant they were to be a distinctive community among the nations as Leviticus 18:3-4 had already explained. Or, to be more precise, Israel was to be YHWH-like rather than like the nations. They were to do as YHWH does, not as the nations do. Holiness for Israel is a practical, down-to earth reflection of the transcendent holiness of YHWH himself.¹⁰⁰

5.1.4. Furthermore, the reason that Israel is called to reflect the holiness of God in this way is in order to fulfil the promise made to Abraham that through him and his descendants the nations of the world will be blessed (Genesis 12:3).

5.1.5. We can see this in words of Moses to the people of Israel in Deuteronomy 4:5-8:

Behold, I have taught you statutes and ordinances, as the LORD God commanded me, that you should do them in the land which you are entering to take possession of it. Keep them and do them; for that will be your wisdom and your understanding in the sight of the peoples, who, when they hear all these statutes, will say, 'Surely this great nation is a wise and understanding people.' For what great nation is there that has a god so near to it as the LORD our God is to us, whenever we call upon him? And what great nation is there, that has statutes and ordinances so righteous as all this law which I set before you this day?

5.1.6. The point here is that in order for the nations to be blessed by God they must become aware of God and what he is like, and Israel's distinctive obedience to the Mosaic law is intended to be the means of bringing this about. To quote Wright once again:

The motivation for God's people to live by God's law is ultimately to bless the nations. After all, what would the nations actually see? The nearness of God is by definition

⁹⁹ Christopher Wright, *The Mission of God* (Nottingham: Inter-Varsity Press, 2006), p373.

¹⁰⁰ Ibid. pp373-374.

invisible. What, then, would be *visible*? Only the practical evidence of the society that was built on God's righteous laws. There is a vital link between the invisible religious claims of the people of God (that God is near them when they pray) and their very visible practical social ethic. The world will be interested in the first only when it sees the second. Or, conversely, the world will see no reason to pay attention to our claims about our invisible God, however much we boast of his alleged nearness to us in prayer, if it sees no difference between those who make such claims and those who don't.¹⁰¹

5.1.7. In the New Testament, God's people are drawn from all nations and living rightly before God comes about through faith in Jesus Christ rather than obedience to the Mosaic law (Romans 4:13-25). Consequently, the people of God are not required to obey the Mosaic law in its entirety (Acts 15:1-29). Nevertheless, the call to God's people to live a distinctive way of life remains.

5.1.8. We can see this in the words of Jesus to his disciples in Matthew 5:13-16

You are the salt of the earth; but if salt has lost its taste, how shall its saltiness be restored? It is no longer good for anything except to be thrown out and trodden under foot by men.

You are the light of the world. A city set on a hill cannot be hid. Nor do men light a lamp and put it under a bushel, but on a stand, and it gives light to all in the house. Let your light so shine before men, that they may see your good works and give glory to your Father who is in heaven.

5.1.9. The point of both the images used by Jesus in these verses is that Christians are called to serve God by remaining distinctive. As J C Ryle comments:

... if words mean anything, we are meant to learn from these two figures that there must be something marked, distinct, and peculiar about our character, if we are true Christians. It will never do to idle through life, thinking and living like others, if we mean to be owned by Christ as his people. Have we grace? Then it must be *seen*. - Have we the Spirit? Then there must be *fruit*. - Have we any saving religion? Then there must be a difference of habits, tastes, and turn of mind, between us and those who think only of the world. It is perfectly clear that true Christianity is something more than being baptized and going to church. 'Salt' and 'light' evidently imply *peculiarity* both of heart and life, of faith and practice. We must dare to be singular, and unlike the world, if we mean to be saved.¹⁰²

5.1.10. As in the Old Testament, this differentiation between God's people and the world is for the sake of mission. Salt can only bring flavour by being different from that which it flavours, and light can only bring light by being different from darkness. So also, Christians can only bless the world in accordance with the promise of God to Abraham if they live a distinctive way of life. Christians are saved to save others, but they can only do this if they are willing to live lives that are genuinely distinctive.

5.1.11. This point is also made clear in 1 Peter 2: 9-12 where Peter writes:

¹⁰¹ Ibid. p380.

¹⁰² J C Ryle, *Expository Thoughts on St Matthew* (London: William Hunt, 1888), pp36-37. 'Peculiarity' means 'distinctiveness'.

But you are a chosen race, a royal priesthood, a holy nation, God's own people, that you may declare the wonderful deeds of him who called you out of darkness into his marvellous light. Once you were no people but now you are God's people; once you had not received mercy but now you have received mercy. Beloved, I beseech you as aliens and exiles to abstain from the passions of the flesh that wage war against your soul. Maintain good conduct among the Gentiles, so that in case they speak against you as wrongdoers, they may see your good deeds and glorify God on the day of visitation.

5.1.12. To quote Wright once more:

The flow of logic from verses 9-10 through verses 11-12 (which is sadly sometimes broken up by paragraph division) thus runs as follows:

- If this is who you are (your *identity*; through election, redemption and covenant)
- then this is how you must live (your *ethics*)
- and this is what will result among the nations (your *mission*)

The message is plain. Christians are to be as visible to the nations by the quality of their moral lives as Israel had been intended to be (but failed). And the purpose of that ethical visibility is ultimately to bring the nations to glorify God. The same dynamic of ethics and mission is as clear here as in Deuteronomy 4:5-8.¹⁰³

5.1.13. The New Testament also makes clear that not only are believers called to live distinctively holy lives themselves, but they are also called to differentiate themselves from those within the Church who are not living in this way. Thus, Paul reminds the Christians in Corinth in 1 Corinthians 5:9-11:

I wrote to you in my letter not to associate with immoral men; not at all meaning the immoral of this world, or the greedy and robbers, or idolaters, since then you would need to go out of the world. But rather I wrote to you not to associate with anyone who bears the name of brother if he is guilty of immorality or greed, or is an idolater, reviler, drunkard, or robber—not even to eat with such a one.

5.1.14. As Gordon Fee comments, what Paul is saying is that:

Because in Christ all things are made new by the Spirit (2 Corinthians 5:14-17), those who belong to Christ must put off their former way of life (Colossians 3:5-11). Those who persist in that former way of life, not those who simply struggle with it, do not belong to this new community. By their own actions they have opted out: the community must distance itself from such people for its own sake. This is not the rigorism of a Tertullian: it is a reflection of the essential nature of the community of the Spirit, which is to be different from the world in which it lives.¹⁰⁴

5.1.15. Finally, the New Testament teaches that those propagating false and divisive teaching should also be avoided. This is mentioned at various points in the New Testament. Thus Titus 3: 10

¹⁰³ Wright, *The Mission of God*, p389.

¹⁰⁴ Gordon Fee, *The First Epistle to the Corinthians* (Grand Rapids: Eerdmans, 1993), p224.

speaks of avoiding foolish controversies and ‘having nothing more to do’ with a person who stirs up division; and Romans 16:17 refers to ‘watching out for those who cause divisions and create obstacles contrary to the doctrine that you have been taught; avoid them’. 1 Timothy 6: 11 uses the language of ‘fleeing’ from those who follow a ‘different’ doctrine (vv. 3 and 11). Elsewhere the New Testament refers to not ‘partnering’ with those spreading dangerous teaching (Ephesians 5: 6-7 and 2 John 10-11) and not tolerating those who teach or practise sexual immorality (Revelation 2: 20).

5.2. Differentiation in respect of same-sex relationships and gender transition

- 5.2.1. To sum up our argument thus far in this chapter, in both the Old and New Testaments God’s people are called to maintain a distinctive way of life that differentiates them from those who do not (yet) know God. They are to do this in order to bear witness to them so that they too might come to believe in and know Jesus as their Saviour and Lord and so be blessed by God. This distinctive way of life also includes Christians differentiating themselves from those within the Church who are continuing to live ungodly lives and avoiding those in the Church who are propagating false and divisive teaching.
- 5.2.2. If we combine these truths with what we have argued in the previous chapter, it follows that God’s people are called today to bear witness to God’s good creation of human beings as male and female. This in turn means that we are called to differentiate ourselves from those in the Church who engage in same-sex relationships and undertake gender transition since both these forms of behaviour involve a rejection of God’s creative activity and hence of God as creator. We also have to differentiate ourselves from those within the Church who support these forms of behaviour even though they do not engage in them themselves.
- 5.2.3. Failure to maintain such differentiation involves a failure to obey Jesus’ calling to be salt and light and is ultimately a failure of love. This is because it means that we do not love God enough in order to be obedient to him and we do not love those involved in same-sex relationships and gender transition enough to maintain the witness they need to see in order to turn to God in repentance and receive his blessing.
- 5.2.4. If Christians are thus called to maintain such differentiation, what does this differentiation need to involve? In our view at least five things.
- 5.2.5. *First*, and most basically, it means as Christians we should not engage in same-sex relationships or gender transition ourselves and that we need to offer encouragement, and emotional, psychological and practical support to help those of us who struggle with same-sex attraction or gender dysphoria, or who are involved in same-sex relationships or gender transition, to live in the way God intends.
- 5.2.6. *Secondly*, it means Christians should not engage in activities or events, liturgical or otherwise, that imply that such forms of behaviour are in accordance with God’s will and are supported by the Church. They should also publicly disassociate themselves from the views of those church leaders and theologians (including bishops) who have expressed their support for same-sex relationships and gender transition.
- 5.2.7. *Thirdly*, it means Christians explaining why the witness of Scripture, nature, and experience tells us that both individuals, and society as a whole, will be better off if people follow God’s way by

living in accordance with their biological sex and by being sexually abstinent outside (heterosexual) marriage and sexually faithful within it.

5.2.8. *Fourthly*, it means Christians, both ordained and lay, being equipped to (a) offer such an explanation confidently and winsomely both in the Church and in the public square and (b) pass on the Christian understanding of what it means to live rightly before God as men and women to the next and subsequent generations. There is a particular onus on bishops and other clergy to both teach truth and refute error because this is a central part of their responsibility in ordained ministry.

5.2.9. *Fifthly*, it means Christians challenging (and when necessary disciplining) those who are Christians, but who claim that they, or others, do not need to live in accordance with God's will in these areas, and in particular not ordaining, or appointing to positions of lay leadership, anyone who is not living in ways that offer 'a wholesome pattern and example'¹⁰⁵ to the Church and to the wider world.

5.2.10. It will be suggested that all of these forms of differentiation are 'homophobic' or 'transphobic' in the sense of being motivated by hostility to lesbian, gay or transgender people. However, from an orthodox Christian perspective what would be truly homophobic or transphobic would be to regard them as a special class of human beings who either cannot, or do not deserve to, experience God's transforming love so that they can begin to live as the people he created them to be.

5.2.11. This is a point that is made by Rosaria Butterfield, a former lesbian activist, who writes in her book *The Secret Thoughts of an Unlikely Convert*:

Homophobia is the irrational fear of a whole people group, failing to see in that group God's image diminished but not extinguished by sin, and that God's elect people linger there, snared by their own sin and awaiting gospel grace. It is an act of homophobia to believe that people in the LGBT community are either too sinful to respond to God's call on their life, or to believe that people in the LGBT community have a fixed nature that will never, according to the blustering, unfounded and uncharitable declarations of secular psychology, change by the power of God's command. What does God change? Our heart. That is where it all starts.¹⁰⁶

5.2.12. Butterfield is writing specifically about people in same-sex relationships, but what she writes applies equally to transgender people as well. God can, and does, change the hearts of all types of people, no matter what particular form the distortion of their humanity by sin happens to take.

5.3. **Structured forms of differentiation**

5.3.1. The responsibility for the five forms of differentiation outlined in the previous section lies with each Christian individually. Each Christian is called to do what she or he can to maintain these forms of differentiation both now and into the future.

¹⁰⁵ *Book of Common Prayer*, 'The form and manner of ordering of Priests'.

¹⁰⁶ Rosaria Butterfield, *The Secret Thought of an Unlikely Convert*, 2ed (Pittsburgh: Crown and Covenant Publications, 2014), Kindle Edition Loc 2969.

- 5.3.2. However, *organised* structures of differentiation are also important for three reasons.
- 5.3.3. *First*, throughout the Bible we see that God calls people to serve him not just as individuals but together, as the people of God in the Old Testament and the body of Christ in the new. We also see that God distributes the gifts people need to serve him effectively across the body of Christ as a whole (1 Corinthians 12:12-31) which means that Christians need to work together in order to take forward the mission of God in the world. Structured forms of differentiation provide frameworks for this kind of organised collaborative activity.
- 5.3.4. *Secondly*, building on the previous point, such structured forms of differentiation make it possible for Christians to pray with and for each other, and to encourage, resource, and provide training for each other, in order that differentiation may take place more effectively.
- 5.3.5. *Thirdly*, in contemporary British society, and even within the Church, Christians are increasingly coming under social and even legal pressure when they uphold a traditional Christian view on same-sex relationships and gender transition.¹⁰⁷ Structured forms of differentiation help to give Christians the support they need to withstand such pressures.
- 5.3.6. *In addition*, because of the way that legal protection is offered against accusations of discrimination under the 2010 Equality Act, Christians will be in a far stronger position to defend themselves against charges of unlawful discrimination if it can be shown that they have acted in accordance with the beliefs and practices of a recognised religious organisation rather than simply as individuals.¹⁰⁸
- 5.3.7. There are five different forms that structured differentiation might take for those in the Church of England. (Here we build on the work done in *Guarding the Deposit*.)

A. Action by clergy and parishes inside the Church of England and a society for orthodox Evangelicals

- 5.3.8. The first form of differentiation (which is already taking place) would involve clergy and parishes remaining within the Church of England but continuing to uphold an orthodox approach to same-sex relationships and gender transition in their teaching and practice.
- 5.3.9. Those who are undertaking this form of differentiation are already beginning to associate together through various networks for mutual support, teaching, training and co-ordinated action. This could be developed further through the formation of some kind of formal ‘society’ or ‘association’ within the existing structures of the Church of England to which clergy, laity and parishes loyal to traditional Christian teaching and practice could be affiliated. One role of such an association would be to make clear and visible the widespread support for maintaining the orthodox teaching and practice of the Church of England and the need to refute error.

B. Delegated episcopal oversight

- 5.3.10. A second form of differentiation would involve delegated episcopal oversight from orthodox bishops within the Church of England for those clergy and congregations unable to accept any

¹⁰⁷ See the examples in Appendix 2.

¹⁰⁸ See schedules 9 and 23 of the Equality Act 2010 at <https://www.legislation.gov.uk/ukpga/2010/15/contents>.

departure by their diocesan, or area/suffragan bishop from traditional Christian teaching and practice in relation to same-sex relationships and gender transition. This would be akin to that currently provided for those who cannot in conscience accept the ordination of women bishops and priests.

C. A new diocese or dioceses

5.3.11. A *third* form of differentiation would involve the creation of a new diocese or dioceses. This diocese, or these dioceses, might be for those who took a liberal approach to human sexuality (with the remainder of the dioceses in the Church of England remaining orthodox). Alternatively, the diocese, or dioceses, might be for those who took a traditional Christian approach (with the remainder of the dioceses in the Church of England free to move in a liberal direction).

D. A new provincial structure

5.3.12. A *fourth* form of differentiation would involve the creation of a new provincial structure for the Church of England. This might involve:

- A new third province for those with a liberal approach (with the existing provinces taking an orthodox approach);
- A new third province for those with a biblical approach (with the existing provinces being free to move in a liberal direction);
- A reconfiguration of the two existing provinces with Canterbury maintaining a biblical approach for the sake of the unity of the Anglican Communion and York being the liberal province. This would mean that parishes would be in Canterbury or York dependent on their theology rather than their geography.

5.3.13. Any new provincial structure would also involve consequential changes to the existing diocesan structure of the Church of England. This is because different parishes in the existing dioceses would undoubtedly choose to belong to different provinces and this would mean that they would necessarily look for episcopal oversight from different bishops and archbishops.

E. Departure from the Church of England

5.3.14. A *fifth* and final form of differentiation would involve clergy and congregations leaving the Church of England and either joining existing churches or founding a new church or churches of their own as some orthodox Anglicans have already done in North America, Brazil, New Zealand and Scotland and also now in England.

5.4. What are we to make of these different forms of differentiation?

5.4.1. **Option A (action by clergy and parishes within the current structures)** would mean people continuing to bear clear witness in word and deed to the orthodox Christian approach to the issues of same-sex relationships and gender transition. It would also enable the clergy and parishes concerned to continue to bear such witness in their local area and avoid the risk of losing their buildings or other resources.

- 5.4.2. However, there are number of potential problems with this form of visible differentiation as a way of seeking to ensure the maintenance of orthodox Christian witness in the medium to long term.
- 5.4.3. *Firstly*, there is no guarantee that those involved will receive oversight from orthodox bishops. An individual or parish taking a stand on their own will therefore be very vulnerable to pressure to change their position coming not only from their diocese, but also from society as a whole and from a Government committed to a progressive view of human sexuality as an integral part of 'British values'.
- 5.4.4. *Secondly*, even if people remain firm in the present, it will be difficult to ensure that orthodox witness will continue indefinitely into the future. A parish on its own cannot ensure that there will be a supply of orthodox ministers (including orthodox bishops) into the future, because within Anglican polity an individual parish cannot decide that it is right for someone to be accepted for ministerial training or that that person should then be ordained and appointed to ministerial positions. These are matters decided at the diocesan and national level and a liberal diocese or national church would therefore be in a position to choke off the supply of orthodox clergy.
- 5.4.5. *In addition*, the Church of England nationally, with the agreement of Parliament, could change the law of the Church of England through the General Synod and make the acceptance of same-sex relationships (including same-sex marriages) and gender transition part of official church teaching and practice. This would then render the actions of orthodox Christians within the Church of England potentially unlawful.
- 5.4.6. The formation of a society or association would provide opportunities for the development of mutual support, teaching, training and co-ordinated action and would give greater visibility to orthodox Anglicans within the life of the Church of England. However, it would not provide a satisfactory answer to all the potential problems with Option A.
- 5.4.7. **Option B (delegated episcopal oversight)** would mean that there would be clear differentiation between the position of orthodox clergy and parishes and the teaching and practice of liberal bishops. Moreover, under this option clergy and parishes might formally remain under the oversight of liberal bishops. However, in reality their oversight and pastoral care would be provided by orthodox bishops acting with delegated authority.
- 5.4.8. If the orthodox bishops had the right to recommend candidates for training, to ordain people and to appoint clergy to parishes this option could go a long way to ensure the continuity of orthodox witness into the future. The supply of orthodox clergy could continue and those clergy would be able to uphold orthodox witness in the parishes they served.
- 5.4.9. There are, however, three potential problems with this approach.
- 5.4.10. *First*, although this option would involve differentiation from liberal bishops, it is clearly less than separation. There would still be liberal bishops and they would still be the bishops of the orthodox clergy in their dioceses with the clergy holding their licences and having to make oaths of canonical obedience to them.
- 5.4.11. *Secondly*, the long-term viability of this option would depend on there continuing to be a reasonable number of orthodox bishops in the Church of England to whom orthodox clergy and

parishes could relate. What mechanism would there be to ensure that would be the case into the future, especially if the Church of England as a whole continued to move in a liberal direction?

5.4.12. *Thirdly*, the future of this option would depend on the Church of England as a whole being willing for it to continue. The existence of a national scheme of delegated oversight would depend on the agreement of the House of Bishops and General Synod and should movement in liberal direction continue this agreement could be withdrawn and the scheme could cease without the parishes and clergy involved being able to stop this happening.

5.4.13. **Option C (a new diocese or dioceses)** would mean that orthodox clergy and parishes would be under the oversight of an orthodox diocesan bishop and would have the support of being part of a diocese committed to maintaining orthodox teaching and practice. Such a diocese would be in a position to ensure a continuity of orthodox witness in the future by recommending orthodox candidates for training, ordaining orthodox clergy and appointing orthodox clergy to parishes.

5.4.14. Under this option there would be parishes who were part of one diocese while being geographically situated in the middle of another. Until Victorian times this situation was relatively common¹⁰⁹ and there is no objection to it in principle since what constitutes a diocese is a community of people in relationship with a bishop rather than a continuous block of territory.

5.4.15. The creation of a diocese or dioceses for those who wish to adopt a liberal position might seem to a good way of giving liberals what they are looking for while allowing the existing dioceses in the Church of England to remain orthodox. However, some might question whether it would be right for those who adhere to orthodox Christian teaching and practice to agree to grant an authorised place within the Church of England to unorthodox forms of teaching and practice in relation to same-sex relationships and gender transition. Would it be loving to give support to grievous moral error? In addition, there is the further question about whether liberals would be satisfied with such a solution and not instead regard it as a stepping-stone to be used to continue to try to change the Church of England as a whole.

5.4.16. The creation of an orthodox diocese or dioceses would not raise the same issues of theological principle. However, there would be a question over the long-term future of such a solution. This is because an orthodox diocese or dioceses would remain under the authority of an archbishop (or archbishops) and be subject to the decisions of the Church of England and either (or both) would have the authority to erode or abolish their existence if they felt motivated to do so. For example, an archbishop could seek to block the appointment of a strong orthodox bishop for such a diocese and the General Synod of the Church of England could ultimately vote to abolish it.

¹⁰⁹ These diocesan exclaves were known as 'episcopal peculiars' and existed where a bishop owned an estate within the boundaries of another diocese and had jurisdiction over the clergy and laity who lived there. A famous example was the parish of Croydon which was a peculiar belonging to the Archbishop of Canterbury even though it was a very long way outside the main boundaries of Canterbury diocese.

- 5.4.17. A final question about this option is the strictly ecclesiological one of why, if there were more than one liberal or orthodox diocese, it wouldn't be better for them to constitute a province so that they could formally work together on matters of common concern.
- 5.4.18. **Option D** (a new provincial structure). As with the previous option, giving liberals a province of their own (either a third province or a re-structured Province of York) might seem a good way of giving liberals what they are looking for while allowing the Church of England to remain orthodox. However, the theological question would still remain as to whether it would be right to give official recognition to a liberal enclave within the Church of England and the further issue would remain as to whether liberals would remain happy with a solution which left either the Church of England as whole (or one of its provinces) still holding to what they would in all good faith regard as an unjust and ungodly position.
- 5.4.19. The creation of an orthodox province (either a third province or re-structured Province of Canterbury) would not raise this issue of theological principle and it would be the option that had the strongest potential to safeguard a long-term orthodox witness in the Church of England. This is because ecclesologically speaking such a province could be as self-governing as the Church in Wales, the Scottish Episcopal Church, or ACNA are today. It would have its own archbishop and bishops and its own governmental structure that could determine its own body of Church law. It would thus be able both to promote traditional Christian teaching and practice with regard to same-sex relationships and gender transition and effectively resist pressure to dilute or reject it.
- 5.4.20. The key objections to this solution are:
- (i) That the provinces of the Church of England would no longer be geographically contiguous;
 - (ii) That the provinces of the Church of England would in effect form two churches (in the same way that ACNA forms a separate church alongside The Episcopal Church and the Anglican Church in Canada, or the new orthodox Anglican jurisdiction in New Zealand forms a separate church alongside the Anglican Church in Aotearoa, New Zealand and Polynesia);
 - (iii) That the re-structuring of the provinces of the Church of England would be impossible to achieve in practice.
- 5.4.21. An answer to (i) is that it is not clear why this matters. Having a geographically contiguous province may be traditional and convenient, but it is hard to see why it is necessary in theological terms. What forms a province is ultimately the relations of the people involved with God and with each other and it is hard to see why these have to be determined by geographical proximity.
- 5.4.22. The answer to (ii) is that, ecclesologically speaking, the Church of England (understood as the historic form of the Church of Jesus Christ in the land of England) is already made up of two churches in that it consists of two provinces under the jurisdiction of two archbishops (both of whom have metropolitan authority within their own province and neither of whom is subject to the other), each of which has its own provincial synodical structure in the Convocations of

Canterbury and York (which traditionally met separately and which legislated separately for their own province).¹¹⁰

5.4.23. It is true that since 1970 the two Convocations have normally met and legislated together in the context of the meetings of the General Synod, but they can and do also meet separately and they retain the power to veto legislation proposed in Synod and to make provision for matters relating to their province (see Canon H.1 and Article 7 of the Constitution of General Synod).

5.4.24. Giving restructured provinces (or a new province) the power to pass legislation of their (or its) own and to only accept legislation for the Church of England which they (or it) agreed with would thus not represent a fundamental alteration in the way that the Church of England has historically operated. It might be argued that the Church of England currently operates as one single church, but the fact remains that in law it also consists of two churches working together and there is no good ecclesiological reason why a third church, in the form of a third province, should not be added if there was a valid reason to do so.

5.4.25. Restructured provinces (or a new province for the orthodox) would therefore be compatible with the existing ecclesiology of the Church of England and would seem to be the form of differentiation that would have the best chance of protecting the long-term future of traditional Christian orthodoxy within the Church of England while avoiding the theological difficulty of orthodox Christians supporting the creation of a liberal jurisdiction.

5.4.26. Objection (iii) is the most serious. The restructuring of the existing provinces or the creation of a new province would be a complex process which would involve gaining the approval of both General Synod and Parliament. It seems clear that there would be strong opposition in both Synod and Parliament to the proposal on the grounds that (a) it would be schismatic and (b) it would give rise to a body that that would embody and encourage bigotry and discrimination against LGBT people (even though this allegation, if it were accurate, could be levelled at the Church of England with its current teaching).¹¹¹

5.4.27. This likely opposition has to be taken extremely seriously. There would be no point in orthodox Christians seeking to create alternative provincial structures if they knew in advance that this was never going to come about. However, we cannot be certain that the opposition to alternative provincial structures will be impossible to overcome. This being the case, and given the potential benefits of alternative provincial structures for the cause of the gospel in this country, it can still be cogently argued that the creation of alternative provincial structures is something that orthodox Christians should consider and plan for and be willing to attempt if future developments in the Church of England make this necessary.

¹¹⁰ In terms of the ecclesiology that developed during the Patristic period, a body of Christians with its own metropolitan and its own conciliar structure constitutes a church in its own right in that it is not constitutionally subordinate to another Christian body. It was for that reason that the Anglican churches of the British Empire were established with their own metropolitans and their own synodical structures when they became independent churches in the course of the nineteenth and twentieth centuries.

¹¹¹ These accusation of schism and bigotry were what blocked a previous proposal for a province for those opposed to the ordination of women to the episcopate.

- 5.4.28. **Option E (departure)** bears clear witness to the importance of the issues of same-sex relationships and gender transition and the seriousness of the Church of England having moved in a liberal direction on what we have seen to be very serious ethical issues.
- 5.4.29. There are good historical precedents for such a departure in the history of the Church.¹¹² It would be necessary in a situation in which a visible church had fallen into so much error that it could no longer be recognised as in any sense part of the one Church of Jesus Christ because it was no longer in any meaningful sense a ‘congregation of faithful men, in which the pure Word of God is preached, and the Sacraments be duly ministered’ (Article XIX). It would also be necessary in a situation in which remaining in a church meant that Christians were implicitly or explicitly forbidden to proclaim or practise apostolic Christianity and were forced instead to teach or act in a way that was contrary to it.
- 5.4.30. However, as we noted in the previous chapter, there are different forms of error and not all of them necessitate total separation.
- 5.4.31. So, before deciding to leave the Church of England, people will need to consider whether they might not still be able to remain in some form of fellowship within the structures of the Church of England with those who had fallen into error in relation to same-sex relationships and gender transition.
- 5.4.32. In specific terms this would mean those thinking of departing asking whether the Church of England had become a church which had so entirely departed from apostolic teaching and practice that it could no longer be regarded as in any sense part of the Church of Jesus Christ, or a church in which Christians were prevented from teaching and practising traditional orthodox Christianity. If the answer to either of these questions was ‘yes’ then it would not be right to remain in the Church of England. If the answer to both of them was ‘no’ then it could be right to remain within it given the important ecclesiological principle that some form of organisational relationship must be possible with any church which one is willing to regard as at least minimally apostolic.
- 5.4.33. Those considering departure should also consider the issue of whether remaining in the Church of England might provide them with opportunities for continuing ministry that they would otherwise lose. To put it another way, would the departure of godly people from the Church of England strengthen or weaken the witness to the gospel in particular parishes or in the country as a whole (particularly given that, as things stand, congregations would not be able to take any of their existing buildings or other resources with them when they left)? This issue is not only a pragmatic one. Rather, it is a strategic issue about what would be best for the continuing proclamation of the gospel both in a particular locality and in the country as a whole.
- 5.4.34. In the next chapter we shall go on to look at what are the next steps that orthodox Christians within the Church of England should take in the light of what has been said in this chapter and in the light of what might happen following the publication of the *Living in Love and Faith* in 2020.

¹¹² Examples would include orthodox Christians separating from Arian bishops and their churches in the fourth century, the Church of England separating from the Roman Catholic Church in the sixteenth century and Puritans separating from the Church of England in the seventeenth century.

5.5. Human action and divine sovereignty

- 5.5.1. A possible objection to the analysis of future options for orthodox Christians offered in this chapter is that it does not take seriously enough the sovereign power of God. This objection has force in so far as it reminds us that we must not limit what God can do through his Spirit in response to believing prayer. As Jesus tells us 'with God all things are possible' (Matthew 19:26). Everything that is said in this chapter about what may happen in future therefore has to have the caveat 'unless God acts to change the situation'.
- 5.5.2. However, while we must not limit what God can and will do, he also calls us to act responsibly by making plans for the future on the basis of the best estimate we can make of what is likely to happen if things remain as they are.
- 5.5.3. What this means in practice is that we must plan realistically for the future, while at the same time recognising that everything we plan is liable to change as a result of God's superior providential action, and praying expectantly that God will act in power to change the current situation in the Church and in our country.
- 5.5.4. In all our planning and praying we need to remember that 'Unless the Lord builds the house, those who build it labour in vain'. (Psalm 127:1)

Part III. What forms should differentiation take in the future?

Chapter 6. The next steps for the orthodox

6.1. What this chapter will cover

6.1.1. In this chapter and the one that follows we shall consider what steps orthodox Christians in the Church of England should take in response to three situations:

- The current position in the Church of England with regard to same-sex relationships and gender transition;
- The provision of pastoral accommodation for same-sex relationships by the Church of England, even though it formally continues to uphold its traditional view of marriage and sexual ethics;
- A formal change in the Church of England's teaching with regard to marriage and sexual identity.

6.2. Responding to the current position

6.2.1. An effective orthodox response to the current position in the Church of England with regard to same-sex relationships and gender transition has to begin with Christians taking the issue of sexual ethics more seriously.

6.2.2. We live in a society that rightly takes the issue of the sexual abuse of children and vulnerable adults extremely seriously. Other than that, however, our society tends to take a *laissez faire* attitude to sexual ethics. Providing all the parties involved give their consent then who people have sex with and in what circumstances is seen as a matter for the people concerned.

6.2.3. In line with the cultural emphasis on individual freedom that we noted in Chapter 2, the general view in Britain today seems to be that people should be free to enter into whatever kinds of sexual relationship they judge will bring them personal fulfilment. Our society identifies love with sex and holds that individuals should be free to love whoever they wish in whatever way seems appropriate to them and that it is not right for others to sit in judgement on their decisions.

6.2.4. This feeling that we should be non-judgemental about other people's sexual behaviour has also crept into the Church. Very many Christians, including those who are otherwise theologically conservative, now tend to take the view that we should be accepting of the life choices that other people make and should not regard things such as pre-marital sex, cohabitation, divorce or abortion as really serious ethical issues. What they increasingly see as the really serious ethical issues are matters of poverty and social justice, or care for the environment.

6.2.5. This in turn means opposition to same-sex relationships and gender transition seems increasingly anomalous in the life of the Church. If we are already willing to accept and not raise ethical objections to pre-marital sex, cohabitation, divorce and abortion, which a generation or two back would have been seen to be contrary to Christian moral teaching, why shouldn't we likewise accept and not raise ethical objections to same-sex relationships and gender transition as well?

- 6.2.6. This objection is very powerful because it raises the very real issue of double standards in the life of the Church. Why is it right to accept some forms of departure from traditional Christian sexual morality and not others?
- 6.2.7. However, the proper way to respond to this objection would not be to accept same-sex relationships or gender transition. For the reasons set out in Chapter 4 this is something that orthodox Christians are not free to do. What is required instead is a major teaching initiative designed to help people to understand why *all* matters of sexual ethics need to be taken with extreme seriousness by all Christians. Rather than agreeing that the current issues with which the Church is concerned are not really that important, orthodox Christians need to explain to people why issues such as premarital sex, cohabitation, divorce and abortion are extremely serious as well and therefore not things we can simply 'learn to live with'. We need to remind people that the Bible tells us that Jesus and the apostles insisted that sexual holiness was an integral part of Christian discipleship and that there is nothing to suggest that God has changed his mind since.
- 6.2.8. We also need to make it clear that what God requires is not arbitrary and that all the evidence we have suggests that the traditional Christian requirements for sexual abstinence outside marriage and sexual faithfulness within it, for marriage to be lifelong, for marriage, sex and procreation to go together, and for the life of the unborn to be respected, are in fact for the good of individuals and society, even though they may appear extremely burdensome to particular people at particular points in their lives.¹¹³
- 6.2.9. Such an initiative will need to address head on the importance of asceticism, that is to say, the importance of renouncing things that we desire to do for the sake of God and his kingdom. Furthermore, in order for this initiative to be credible, there will need to be a corresponding revolution in the life of the Christian community as a whole because people will only believe the teaching if they see it being lived out by their Christian neighbours, colleagues and friends. To use the language of the previous chapter, for their teaching about sexual ethics to be persuasive the behaviour of orthodox Christians will need to be visibly different from the behaviour both of non-Christians and those Christians who take a liberal approach to sexual ethics.
- 6.2.10. Christopher Roberts makes this point well in his book *Creation and Covenant*. He writes:

If the church wants to commend such asceticism as regards sex, it will be credible if the church is a community wherein a life of celibacy and singleness is plausible and attractive. If sexual difference is to be an occasion of freedom, an arena in which men and women seek together a social ecology to mock and rival the ways of concupiscence, then very few aspects of contemporary church life will remain unscathed. The early patristic confidence that ecclesial social life should be visibly different from pagan life, in particular at the sexual level, would need to be reclaimed. How would the church respond to youth culture if it genuinely believed that the dynamic of the sexes is grounded in the Imago Dei and not in romance? How might courtship habits and living arrangements need to be reconfigured if lay celibacy were a bona fide response to sexuality? What new tone of voice would need to be adopted of Christians who realized that everyone who has ever

¹¹³ Useful resources for this kind of educational exercise are Martin Davie, *Glorify God in your body*, Glynn Harrison, *A Better Story* and Jonathan Grant, *Divine Sex* (Grand Rapids: Brazos Press, 2014).

lusted selfishly is judged by the tradition's teleology for sexual difference and not just the homosexually inclined? Reclaiming the theological tradition about sexual difference would entail not only a chastening word to the revisionist theologians but also a thoroughgoing revolution for almost all Christians.¹¹⁴

- 6.2.11. The first order of business for orthodox Christians in the current situation is thus for them to instigate a major teaching initiative about the importance of sexual ethics in general and to think about how to foster a revolution in the life of the Church that will give plausibility to what is taught in this initiative. Teaching and a renewed form of church practice involving a visibly different pattern of behaviour have to go together.
- 6.2.12. However, it is not enough for orthodox Christians to give renewed attention to sexual ethics in general. We also need to give specific attention to the issues of same-sex relationships and gender transition.
- 6.2.13. On these specific issues we *first* need to be honest and penitent about the fact that in the past the Church has acted unjustly towards people with same-sex attraction and gender dysphoria. It has not welcomed them, it has not given them adequate pastoral guidance and support, and it has been complicit in the way that they have been stigmatised and oppressed. If we want to get a hearing we need to own up to these things.
- 6.2.14. We then need, *secondly*, to explain why in spite of this dark past we still feel it is right to maintain the traditional Christian position on same-sex relationships and gender transition. This means that we need to explain once again why the traditional Christian position is not arbitrary.
- 6.2.15. The standard line in our culture, which is now being increasingly echoed in the Church, is that opposition to same-sex relationships and gender transition is motivated by an irrational hatred of vulnerable minorities ('homophobia' and 'transphobia'). In response to this we need to explain that our opposition is grounded not in irrational hatred, but in reasoned reflection on the evidence of nature and Scripture, both of which suggest that the difference between men and women is a matter of biology and that men are designed by God to relate sexually to women and vice versa.
- 6.2.16. We also need to explain why living in the way humans are designed to live is a basic part of Christian discipleship and that the evidence suggests that living in this way is not only beneficial spiritually, but physically and psychologically as well, given the way that recent research is raising questions about the impact of lesbian, gay and transgender lifestyles on physical and mental health.¹¹⁵

¹¹⁴ Christopher Roberts, *Creation and Covenant* (London and New York: T&T Clark, 2007) pp245-246

¹¹⁵ On the link between same-sex relationships and physical and mental ill health see Thomas Schmidt, *Straight and Narrow?*, Downers Grove: IVP, 1995, Ch.6., Robert Gagnon, *The Bible and Homosexual Practice*, Nashville: Abingdon, 2001, pp.471-485 and Bill Muehlenberg, *Strained Relations, the Challenge of Homosexuality*, Melbourne: Culture Watch Books 2014, Ch. 2.

On the link between transgender and physical and mental ill health see Cecilia Djehne et al, 'Long-Term Follow-Up of Transsexual Persons Undergoing Sex Reassignment Surgery: Cohort Study in Sweden,' *PLoS One*, 6 (No.2), 2011, Walt Heyer, *Gender, Lies and Suicide*, Make Waves Publishing, 2013 and James, S. E., Herman, J. L., Rankin, S., Keisling, M., Mottet, L., & Anafi, M, *The Paper of the 2015 U.S. Transgender Survey*. Washington, DC: National Center for Transgender Equality, 2016.

6.2.17. Age appropriate teaching material on these issues also needs to be made available to children and young people which offers them the better vision we have but which they will rarely discover in the education system or through social media.

6.2.18. *Thirdly*, orthodox Christians need to encourage same-sex attracted Christians and those suffering gender dysphoria who are faithful to biblical teaching to share their experiences in order to help others to minister appropriately and effectively in these areas. The three key principles that need to be understood in this regard to such ministry are:

- a. Christians are called to treat all people with value and dignity, including everyone with same-sex attraction and gender dysphoria, as those created in God's image and likeness and for whom Christ died. Furthermore, this is not a matter of 'them' and 'us.' There are Christians who experience same-sex attraction and Christians who find it difficult to accept the sex into which they were born.
- b. Christians should offer unconditional friendship and seek to understand the particular challenges faced in living in obedience to God in these areas. It is wrong to think that anyone is intrinsically less godly because of the desires they experience or the struggles they have about their sexual identity.
- c. Christians should be willing to stand by those who are struggling and offer prayer, encouragement, and emotional, psychological and practical support to help believers to live in obedience to God. They also need to understand that such support needs to be offered on a long-term basis. The desire for a 'quick fix' to people's problems is as inappropriate in the areas of same-sex attraction and gender dysphoria as it is in any other area of life.

6.2.19. It is also important that people in the Church are educated about how to care for the families of those with same-sex attraction and gender dysphoria. They too need appropriate forms of prayer, encouragement, and emotional, psychological and practical support. If their son or daughter, or husband or wife, comes out as lesbian, gay, or transgender it can have a devastating effect on people and they need to know that the Church is there for them long term.

6.2.20. In both this area of equipping people for ministry, and in the previous area of Christian education, advice and resources are available from Christian bodies with specific expertise such as Living Out¹¹⁶ or the True Freedom Trust.¹¹⁷

6.2.21. *Fourthly*, orthodox Christians should not only avoid taking obviously inappropriate forms of action such as blessing same-sex relationships or offering services to mark gender transition, but should also think through in advance why these forms of action are inappropriate so that they can explain their reasons clearly and confidently to the people concerned, to the church community and to the wider world (including potentially the media).

¹¹⁶ Living Out at <https://www.livingout.org>.

¹¹⁷ True Freedom Trust at <https://truefreedomtrust.co.uk>.

- 6.2.22. We also need to think through how we should act in regard to matters where things are less clear cut, such as what to say at the funerals of lesbian, gay or transgender people, or whether it is right to baptise people in same-sex relationships or their children.
- 6.2.23. *Fifthly*, orthodox Christians need to speak up when people in the Church of England take actions that go against biblical orthodoxy and the Church's official position. Examples of such actions include blessing same-sex relationships, appointing those in sexually active same-sex relationships to ministerial posts, or allowing Pride celebrations in churches or cathedrals. If orthodox Christians do not speak up, even when those responsible for these actions are bishops or other senior church leaders, then biblical orthodoxy will be undermined and liberal approaches to sexuality will become more and more accepted, and more and more regarded as where the Church of England currently stands.
- 6.2.24. Where bishops and other clergy take such actions and refuse to back down even in the face of such protests, then orthodox clergy, laity and parishes need publicly to distance themselves from them. In the case of bishops and archdeacons some form of temporary alternative oversight is likely to be required. Where a cathedral is involved, and the offending action takes place repeatedly then a boycott of the cathedral would be the appropriate response.
- 6.2.25. Orthodox Christians also need to speak up, in conjunction with sympathetic groups outside the Church of England, about matters of concern in the public sphere such as the promotion of same-sex relationships and gender transition in relationships and sex education (RSE) classes, people losing their jobs because of their opposition to same-sex relationships and gender transition and the treatment of gender confusion in children. The Anglican Mainstream website is a reliable source of information about such matters.¹¹⁸
- 6.2.26. *Sixthly*, orthodox Christians need to stand for Deanery, Diocesan and General synods so that they can help to shape Church of England policy at the diocesan and national levels. At the moment there is particular need to try to reverse the House of Bishops' guidance on using the service for the re-affirmation of baptismal vows to mark gender transition and to safeguard the Church of England's current stance of marriage and sexual ethics against attempts to change them in General Synod following the publication of the 'Living in Love and Faith' material.¹¹⁹
- 6.2.27. All the actions suggested in this section are forms of Option A in the last chapter. They can all be taken by individual members of the clergy and laity and by individual parishes. However, the society or association for orthodox Anglicans in the Church of England mentioned under this option would also be very helpful in this connection as it would provide the context for mutual prayer and support, the sharing of information and resources and joint action.
- 6.2.28. An obvious way to develop such a society or association would be to continue to develop the existing network of Diocesan Evangelical Fellowships and the capacity of the Church of England Evangelical Council to act effectively as a national co-ordinating and resourcing body for them.
- 6.2.29. The CEEC's existing statement:

¹¹⁸ Anglican Mainstream at <https://anglicanmainstream.org>.

¹¹⁹ For details about how Evangelicals can get involved with the 2020 General Synod elections see www.ceecgs2020.co.uk.

We acknowledge God's creation of humankind as male and female and the unchangeable standard of Christian marriage between one man and one woman as the proper place for sexual intimacy and the basis of the family. We repent of our failures to maintain this standard and call for a renewed commitment to lifelong fidelity in marriage and abstinence for those who are not married.¹²⁰

could provide an agreed basis around which orthodox Christians could unite and in the light of which they could engage with, assess, and where necessary critique, developments within the Church of England.

6.2.30. Five final points needs to be noted in regard to the matters covered in this section.

6.2.31. The *first* is that orthodox bishops should be giving a lead in all of them. Very valuable work has already been done both publicly and behind the scenes by a number of orthodox bishops, but there needs to be more public visible leadership by all orthodox bishops on the issues covered in this document. The feeling that a bishop needs to be a bishop for all in their diocese, whatever position they take is understandable, but the primary historic role of the bishop since the earliest days of the Church has been to uphold and teach apostolic truth and we need orthodox bishops to do this in a more obvious public fashion on the matters currently dividing the Church of England. Orthodox laity need to know where their bishops stand, orthodox clergy need to know that their bishops support them and will 'have their back' if necessary, and those outside the Church need to see its senior leaders clearly and unequivocally supporting traditional, orthodox Christian faith and practice.

6.2.32. The *second* is that orthodox people and orthodox churches need to put their money where their convictions are. This means (a) using their money to resource the sort of activities sketched out in this section and (b) where appropriate using the withholding of funds as a way of protesting against ungodly teaching and practice.

6.2.33. The *third* is that in order for the activities mentioned in this section to take place some body (or some bodies) have to do them. Agreeing that 'something should be done' is insufficient. Orthodox people need to co-ordinate together at both the local and national levels (as they are already beginning to do), think specifically about what, how, who and when, agree a plan of action, and then follow through by putting it into practice.

6.2.34. The *fourth* point, is that *we should not limit our expectations*. The experience of the past few years has generated an atmosphere in which it is all too easy to assume that the orthodox are fighting a battle of attrition which we will inevitably lose. However, as we have said before, 'with God nothing is impossible' (Matthew 19:26) and we need to seriously hope and pray that God will take our efforts on behalf of orthodoxy to bring revival to his Church and change to our nation. God did this before with the Evangelical revival in the eighteenth and nineteenth centuries and we must believe that he can, and pray that he will, do the same in our day.

6.2.35. The *fifth* and most important point is that we need to pray, and keep praying, for ourselves and our orthodox brothers and sisters, especially those in leadership positions, that they will be

¹²⁰ Church of England Evangelical Council, Additional Declarations 1, at <http://www.ceec.info/basis-of-faith.html>.

given the Holy Spirit's wisdom, courage, time and energy to proclaim and witness to the Biblical truth on these issues.

6.3. Delegated Episcopal Oversight

6.3.1. Having made the final point in the previous section, we also have to be prepared to continue to fight a difficult defensive battle for orthodoxy in the immediate future. We do not know how matters will develop after the publication of 'Living in Love and Faith' later this year. However, it seems extremely likely that liberals in the General Synod will seek to change the Church of England's current discipline with regard to the marking of same-sex relationships in church.

6.3.2. One possible way in which they might try to do this, or which might be offered by the House of Bishops as a compromise between the liberal and traditional positions, would be to adopt the proposal for 'pastoral accommodation' in the Pilling Report.

6.3.3. As we saw in Chapter 3, the 2013 Pilling Report declared:

We believe that there can be circumstances where a priest, with the agreement of the relevant PCC, should be free to mark the formation of a permanent same-sex relationship in a public service but should be under no obligation to do so. Some of us do not believe that this can be extended to same-sex marriage.

While the church abides by its traditional teaching such public services would be of the nature of a pastoral accommodation and so the Church of England should not authorise a formal liturgy for use for this purpose. The House of Bishops should consider whether guidance should be issued.

6.3.4. If accepted, this proposal would not formally change the liturgy and doctrine of the Church of England. It would, however, mark a significant step away from the Church of England's current position. The Church would have adopted the anomalous position of permitting something which was contrary to what it officially believed. It would still be upholding Christian orthodoxy in theory but allowing people to depart from it in practice.

6.3.5. As Keith Sinclair wrote in his 'dissenting statement' in the Pilling Paper this is a proposal that lacks integrity:

... as long as the Church of England continues to 'abide by its current teaching' it cannot with integrity offer or formally allow a service for any pattern of sexual relationship other than marriage, even though Christians can recognize moral goods, such as love and fidelity, in particular non-marital sexual relationships and qualities of character in the partners.¹²¹

6.3.6. The proposal is therefore something that orthodox Anglicans should organise and strive to prevent coming about. However, if this proves too difficult to achieve, one possible way forward would involve a system of delegated episcopal oversight along the lines suggested under Option B in chapter 5.

¹²¹ *Paper of the House of Bishops Working Group on Human Sexuality*, p139.

- 6.3.7. One way in which this could happen would be if the introduction of ‘pastoral accommodation’ was accompanied by a House of Bishops Declaration similar to that which accompanied the introduction of women bishops in the Church of England in 2014.
- 6.3.8. Under such a Declaration each diocesan bishop would be invited to state whether or not they would permit services to mark same-sex unions to take place in their diocese, thereby defining themselves as orthodox or liberal with respect to human identity, relationships and marriage. Where parishes felt unable to accept their bishop’s decision for theological reasons they could then pass a PCC resolution asking for the arrangements set out in the new House of Bishops’ Declaration to apply.
- 6.3.9. Such resolutions could be passed both by parishes that were in favour of marking same-sex unions and by parishes opposed to them being marked. If a PCC objected to a ban on such services in their diocese the diocesan would need to supply a bishop who was in favour of them to provide delegated episcopal oversight for that parish. Similarly, where the reverse applied, the diocesan would need to supply a bishop who was against them. Such bishops could be selected from among any current serving bishops. Those supplied could therefore be either male or female.
- 6.3.10. What this would mean for an orthodox parish would be one of two things.
- 6.3.11. If their diocesan bishop declared that he or she would not permit services to mark same-sex unions to take place in their diocese then such services could not take place in parishes under his or her direct oversight. Orthodox parishes could then have confidence that the bishop took an orthodox position and could in good conscience remain under his or her oversight.
- 6.3.12. However, if their bishop declared that he or she would permit such services then orthodox parishes could pass a resolution asking to come under the delegated oversight of a bishop opposed to them and this request would automatically be granted.
- 6.3.13. Furthermore, the ministry exercised by the alternative bishop would have to cover the whole range of episcopal ministry:
- confirmation
 - the sponsoring of candidates for ordination and approval of their training pathways
 - the approval of curacies
 - ordinations of deacons and priests
 - oversight of training provided in CME1-4
 - Ministerial Development Reviews
 - oversight of vacancies
 - licensings and institutions
 - pastoral reorganisation

- the granting of Bishops Mission Orders
- operation of the Clergy Discipline Measure
- decisions about participation in Holy Communion and baptisms (subject, in the case of the latter, to statutory obligations)

6.3.14. This would mean that there would be a clear differentiation between orthodox parishes and a liberal diocesan bishop. The bishop to whom oversight was delegated would to all intents and purposes be their bishop. In line with the teaching of Ephesians 5: 6-7 and 2 John 10 noted in paragraph 5.1.15 above, these parishes would thus avoid being in partnership with those propagating false teaching.

6.3.15. The House of Bishops Declaration would have the force of law and would be difficult to abolish as, if it were like the current House of Bishops Declaration, a 2/3 majority in each of the three Houses of General Synod would be required to achieve this.

6.3.16. What is proposed would meet the requirement set out in Chapter 5 of ensuring a continuity of orthodox ministry into the future. Because an orthodox bishop would be responsible for sponsoring candidates for ministry, ordaining deacons and priests and appointing ministers to parishes he or she could ensure that there would be a continuing supply of orthodox ministers serving orthodox parishes.

6.3.17. Furthermore, oversight of pastoral reorganisation would prevent orthodox parishes being linked with liberal ones and the right to grant BMOs would ensure that orthodox parishes could plant new churches.

6.3.18. A final benefit of this proposal would be that a sufficiently robust form of delegated oversight would mean that there would be no need to create a new diocese or dioceses as suggested in Option C in Chapter 5. Parishes could remain in their existing diocese while still being under the oversight of an orthodox bishop. It would be a relatively 'light touch' solution that would involve the minimum of ecclesiastical re-organisation. However, it would also give orthodox parishes experience of working together and of ironing out the practicalities of developing a new ecclesial structure within the Church of England and this experience and sense of existing corporate identity among the orthodox would prove invaluable should a move to a new provincial structure prove necessary in the long term.

6.3.19. Alongside the benefits of this way forward there are, however, five remaining problems.

6.3.20. *First*, under this proposal orthodox bishops would have to agree that liberal parishes who passed the requisite resolution would have to be given over to the care of a liberal bishop who would support the holding of services to give recognition to same-sex relationships (including potentially same-sex marriages). The question would be how this would be compatible with a bishop's calling 'to banish and drive away all erroneous and strange doctrine contrary to God's word'? ¹²²

6.3.21. *Secondly*, it is not clear how it could be guaranteed that there would be a sufficient number of new orthodox bishops to allow the Declaration scheme to continue to be viable in the long-

¹²² 1662 *Ordinal*, 'The Form of Ordaining or Consecrating of an Archbishop or Bishop.'

term. There would need to be some guarantee of a minimum number of such bishops being consecrated.

- 6.3.22. *Thirdly*, as indicated in paragraph 5.4.10 above, while the delegated oversight envisaged by this proposal would involve differentiation from a liberal bishop, this differentiation would only be partial. They would still be the bishop of the orthodox clergy in the diocese with the clergy holding their licences and having to make oaths of canonical obedience to them.
- 6.3.23. *Fourthly*, the issues of multi parish benefices and differences of view between clergy and their parishes need to be considered. What would happen if PCCs in multi-parish benefices made different decisions, which bishop would the benefice come under? If a member of the clergy wanted oversight from an orthodox bishop and their parish (es) did not, what would then happen? If a Delegated Episcopal Pastoral Oversight (DEPO) scheme is to work, there needs to be answers to these practical questions.
- 6.3.24. *Fifthly*, this way forward would not prevent the Church of England as whole deciding to change its doctrine and/or liturgy in a liberal direction. It would not prevent the Church of England, for example changing the definition on marriage in Canon B.30 so that it was applicable to couples of the same-sex, revoking its teaching that those who are ordained should abstain from same-sex sexual relationships, or declaring that God has created some people whose true identity is different from their biology or who have an identity that is neither male nor female.
- 6.3.25. If this happened, orthodox Christians would need to be able to differentiate themselves not only from the views of a particular bishop, but from the position now taken by the Church of England.
- 6.3.26. At this point orthodox Christians would either have to leave the Church of England (Option E) or there would need to be some form of provincial solution (Option D) that would make such differentiation possible for people who remained in the Church of England.
- 6.3.27. In Chapter 7 we shall go on to explore what such a provincial solution might look like.

Chapter 7. A provincial way forward

7.1. The three options for a provincial way forward.

7.1.1. As was noted in Chapter 5, there are three possible forms that a provincial way forward might take.

- A new third province for those with a liberal approach (with the existing provinces taking an orthodox approach);
- A reconfiguration of the two existing provinces with Canterbury maintaining an orthodox approach for the sake of the unity of the Anglican Communion and York being the liberal province. This would mean that parishes would be in Canterbury or York dependent on their theology rather than their geography;
- A new third province for those with an orthodox approach (with the existing provinces being free to move in a liberal direction).

7.2. A liberal third province?

7.2.1. As was also noted in Chapter 5, the idea of allowing liberals to have a third province of their own seems at first sight to look like the most obvious and attractive option.

7.2.2. It would bring an end to the conflict within the existing structures of the Church of England by allowing liberals to have a province of their own where they would be free to bring about the changes in doctrine and practice with regard to same-sex relationships and gender transition that were in line with their theological convictions. They would not need to seek to change the Church of England as a whole since they could do what they wished to do within their own province.

7.2.3. This in turn would mean the end of the pressure on the existing provinces of Canterbury and York to move wholly or partially in a liberal direction. They would be able to clearly and confidently uphold an orthodox position on sexual identity and sexual ethics with the knowledge that they had the full support of those in the provinces to do so.

7.2.4. A further benefit of a liberal third province from an orthodox perspective would be that it would make clear that it was the liberals who had moved. The liberals' departure from the provinces of Canterbury and York into a new province would be a visible sign of their departure from the traditional teaching and practice of the Church of England.

7.2.5. However, as was indicated in Chapter 5, when looked at more closely, the idea of a liberal third province is problematic for some.

7.2.6. This is because it only makes sense as a pre-emptive offer by the orthodox to the liberals. From a liberal perspective there is no reason why they would want to leave the existing provinces for a new province if they think that they can obtain what they want within the current structures of the Church of England. If they have the prospect of re-shaping the Church of England as a whole according to their convictions, why would they be satisfied with a provincial solution?

- 7.2.7. The only plausible scenario in which they would say yes to a provincial solution is if they could not obtain what they want within the Church of England as it stands, or could not obtain it within what they would regard as reasonable amount of time. What this means is that in supporting the creation of a liberal third province orthodox Christians in the Church of England would be giving liberals an option that they would not otherwise be able to achieve by granting them an official structure within the Church of England within which they could support same-sex relationships and gender transition in teaching and practice.
- 7.2.8. It might be argued that doing this would be the lesser of two evils if the alternative was continuing conflict within the Church of England over sexual ethics. This raises the issue of what actions it is right to take in order to avoid conflict.
- 7.2.9. In the second half of the twentieth century there were serious theologians in the Church of England and other churches who argued that the Christian Church needed to abandon the traditional and biblical view, classically reflected in the Chalcedonian Confession of 451, that Jesus Christ was God incarnate.¹²³ If this view had taken root and become widespread in the Church of England there would be conflict today between those who supported this revisionist approach and those who wanted to uphold Christological orthodoxy.
- 7.2.10. The question this scenario raises is whether it would be right to address such conflict by creating a structure in the Church of England within which revisionists could propagate the belief that Jesus Christ was not God, but simply a human being in whom God was in some way present? For many, the answer to this question is 'no.' It would not be right to give support to the denial of the incarnation.
- 7.2.11. What this example illustrates is that there are situations in which the price of avoiding conflict is simply too high. Arguably, the creation of a liberal third province supportive of same-sex relationships and gender transition would also come into this category. As we saw in Chapter 4, these are extremely serious ethical issues and orthodox Christians might well feel that they would not be justified in supporting the existence of a structure within the Church the purpose of which is to allow heterodox teaching and practice on such issues any more than they could support a structure designed to allow heterodox teaching on a central doctrinal matter.
- 7.2.12. Furthermore, as noted in Chapter 5. there is also the issue of whether liberals would remain happy with a solution which left the Church of England as whole still practising what they would regard as continuing discrimination against transgender people and those in same-sex relationships. Would a liberal province therefore actually bring conflict to an end even if it was theologically permissible to create it?

7.3. **One province for the orthodox and one for the liberals?**

- 7.3.1. An alternative to granting liberals a third province would be to split the Church of England with Canterbury being the province for the orthodox and York being the province for the liberals.
- 7.3.2. This proposal has obvious attractions. There is a conflict between two sides in the Church of England so the equitable solution would seem to be to divide it down the middle with each side getting a province of their own. Making Canterbury the orthodox province would enable the

¹²³ See for example John Robinson, *Honest to God* (London: SCM, 1963), John Hick (ed) *The Myth of God Incarnate* (London: SCM, 1977) and Geoffrey Lampe, *God as Spirit* (Oxford: OUP, 1977).

Archbishop of Canterbury to maintain his traditional role as the senior Primate of the Anglican Communion. The Communion as a whole would accept the primacy of the Archbishop of an orthodox province of Canterbury, but not the primacy of the Archbishop of a liberal one.

7.3.3. However, two things need to be noted about this possible way forward.

7.3.4. *First*, as in the case of a liberal third province, some will consider that it would not be right for the orthodox side in the Church of England to offer this solution pre-emptively to the liberals. The same objections would apply as in the previous case. All that could rightly happen, these people would say, would be the orthodox accepting their own province of Canterbury as a least-worst option to maintain their distinctive position within the life of the Church of England.

7.3.5. *Secondly*, it needs to be recognised that a re-construction of the existing provinces of Canterbury and York so that they covered the whole territory of the Church of England and were based not on geography, but on theological conviction, would be difficult to organise.

7.3.6. This becomes apparent if one considers the three possible forms such a re-construction might take.

7.3.7. The *first* form it might take would be to keep the present provincial structure of the Church of England as it is and simply say that all conservative parishes would belong to a diocese in the province of Canterbury and all liberal parishes would belong to a diocese in the province of York.

7.3.8. The problems with this way forward are:

- There would certainly be objections by the orthodox in the northern dioceses to their diocese being automatically being placed in a liberal province and vice versa. This might mean, for example, a majority of parishes in Carlisle might prefer to be in an orthodox province and a majority of parishes in Salisbury might prefer to be in a liberal one. Furthermore, there would undoubtedly be a large number of parishes in all the dioceses who would not necessarily describe themselves as either liberal or orthodox and who wouldn't want their diocese classified this way either.
- It would be a very complicated exercise to allocate all the liberal parishes in the southern province to a northern diocese and vice versa. On what basis would the allocation take place?
- This way forward would leave a very large number of parishes a very long way from their nominal diocese (think for instance of an orthodox parish in the north of the Diocese of Carlisle or a liberal parish in the west of the Diocese of Truro). Running a diocese effectively in such circumstances would not be impossible (as the Diocese in Europe shows) but it would be difficult.

7.3.9. The *second* form it might take would be to divide up all the existing dioceses of the Church of England so that half were in Canterbury and half were in York. All orthodox parishes in the province of York would then be allocated to a diocese in the province of Canterbury and the reverse would be true for liberal parishes in the dioceses in the province of Canterbury.

7.3.10. This approach would alleviate, but not entirely abolish, the third problem with the previous approach. However, problems would still remain:

- As in the case of the previous approach, there would almost certainly be strong objections to the allocation of the dioceses between the two provinces with a huge number of parishes complaining that their diocese was in the 'wrong' province or not wishing to be part of either a liberal or a conservative province.
- There would still be a complicated exercise of transferring orthodox parishes in liberal dioceses to orthodox dioceses and vice versa and one would still have to come up with a rationale for which parishes were allocated to which dioceses.

7.3.11. The *third* form it might take would be to mitigate the problem of parishes being geographically isolated from their dioceses by deconstructing the existing diocesan system in its entirety and creating a whole new set of geographically overlapping dioceses, half of which would be in the province of Canterbury and half in the province of York. A Diocese of Canterbury and a Diocese of York would still have to exist for the sake of the archbishoprics, but they would cover a larger area than at present. All parishes would be geographically within both Canterbury diocese and a York diocese and would have to decide to which they wanted to belong.

7.3.12. The problem with this approach would be that creating a new diocesan system would be a complicated thing to do. Not only would one have to decide the areas covered by the new dioceses, but one would also have to close down all the present diocesan administrative systems and create new ones (including all the existing bishoprics), divide up and re-allocate all the assets and liabilities of the old dioceses and decide what to do about the cathedrals.

7.3.13. All the potential difficulties just outlined mean that the proposal for one orthodox and one liberal province is one that would have to be approached with extreme caution. None of the three forms of this way forward set out above would be impossible to execute, but they would all undoubtedly prove difficult, contentious, time consuming and expensive.

7.4. **A third province for the orthodox?**

7.4.1. Like a third province for the liberals, a new third province for those with an orthodox biblical approach would leave the existing diocesan structure of the Church of England intact. Parishes who wished to do so would leave their existing dioceses and provinces to join the new structure and for those parishes who did not do so everything would continue as before.

7.4.2. From a theological perspective a major attraction of a third province for the orthodox would be that it would not involve creating a new structure the purpose of which would be to propagate heterodox teaching and practice. It would instead involve creating a new structure for the godly purpose of allowing proper differentiation between the orthodox and a Church of England which had formally departed from orthodoxy on one or both of these two fundamental ethical issues.

7.4.3. Such a structure would provide a basis on which orthodox teaching and practice could continue for the foreseeable future and as such it could provide a secure starting point for bringing revival to both the rest of the Church of England and the country as a whole bearing in mind the point about working and praying for revival in the Church and nation made in paragraph 6.2.34. The new province should not be seen as the end of a process (what was saved from the wreckage of the Church of England), but primarily as a springboard for the 'new thing' (Isaiah 43:19) that God wants to do in our country and in our time.

7.4.4. The formation of a new orthodox province within a liberal church would be something unprecedented in the history not only of Anglicanism, but of the Church as whole. The standard way in which people have reacted to serious error has been, as we have already noted, to leave and form a new church. Forming a new church within the structures of an existing body is, as far as we are aware, not something that has been attempted before.¹²⁴ However, the fact that it does not appear to have been attempted before does not mean that it should not be attempted at all. As has already been noted, it makes sense ecclesiologically, and arguably it would be a legitimate way of maintaining differentiation while maintaining as much unity as possible with those Christians who, in spite of having fallen into error, are still our Christian sisters and brothers, and taking advantage of the strategic benefits of remaining part of the established church.

7.5. The shape of a restructured or new province

7.5.1. Detailed implementation planning would be needed whichever option were to be pursued further.

7.5.2. In this paper an assessment has been performed and a comparison has made of the advantages and disadvantages of each of the options. However, determining which of the options may be the best solution for the Church of England will depend on a host of factors, theological, political and practical, and is beyond the scope of this paper.

7.5.3. For the purposes of illustration only, the broad outline of what a new province for the orthodox would be like is set out below. The province will be described as the 'Province of Mercia.'

7.5.4. The same or similar points would apply to a new province for the liberals; and many of the points would be relevant if a reconfiguration of the existing provinces were chosen as the preferred option.

The formation of the Province

7.5.5. The Province of Mercia would be established through a measure passed by General Synod and endorsed by both Houses of Parliament and receiving Royal Assent. This measure would contain a provision that it could not be repealed except with the consent of the province.

7.5.6. The province would come into being by means of parishes voting in their PCCs to leave their existing diocese and transfer to a diocese in the new province instead. To give the new province stability parishes would not be able to return to their previous diocese for a period of ten years. Apart from that requirement parishes would be free to move from the provinces of Canterbury and York to the new province or to move back the other way.

7.5.7. As was noted in chapter six in connection with the development of a DEPO scheme, there would be a problem in the case of multi parish benefices where PCCs came to different decisions. How

¹²⁴ The Evangelical Revival is not a direct parallel because the Anglican Evangelicals of the eighteenth century believed that the official teaching, liturgy and practice of the Church of England were still soundly orthodox, Error had crept in in spite of the Church's official position. The starting point for a new province, by contrast, would be a situation in which serious error was now part of the Church's official position or accepted practice.

this problem would be resolved, short of the benefices concerned being dissolved and the parishes involved becoming parts of different provinces, is something to which further attention needs to be given.

The organisation of the province

7.5.8. The province would be organised in the same way as the existing provinces of the Church of England. It would consist of parishes, deaneries, archdeaconries and dioceses. The number of dioceses that would initially be formed would obviously depend on how many parishes opted to join the new province, but one possible pattern would be for there to be three dioceses initially, one in the South and South East, one in the Midlands and East Anglia and one in the North. Chaplaincies in Europe would come under the diocese for the South and South East.

7.5.9. It is important to note that what is proposed would not be an 'overlapping jurisdiction' with the other provinces and nor would it be a 'non-geographical province.' The province would be bounded by the current geographical boundaries of the Church of England and its parishes would have an entirely separate jurisdiction from those parishes belonging to the provinces of Canterbury and York. It would be possible to look at a map and say 'the jurisdiction of York stops and the jurisdiction of Mercia begins, at such and such a point.'

7.5.10. The idea that there would be no overlapping jurisdiction has come as a surprise to some people, but it follows on from the nature of the Church of England's parochial system. The Province of Mercia would consist of those parishes that had voted to join the new province. These provinces would have legally established parish boundaries which would not change as a result of their joining the new province and the jurisdiction of the province would only operate within those boundaries. However, as noted in paragraph 7.5.28 below, church planting outside these boundaries would be possible just as it is today.

7.5.11. Each diocese would initially have one bishop and one of these would be the archbishop of the province. There would be no fixed archiepiscopal diocese and the office of archbishop would subsequently be held by the senior bishop of the province. New dioceses could be created in the future.

7.5.12. A parish church in each of the dioceses would be designated as the cathedral. The diocese would be named after the location of the cathedral and the incumbent would carry the title Dean. There would be no cathedral chapter and when not being used for diocesan services the cathedral would act as a normal parish church.

The doctrine of the province

7.5.13. The doctrine of the Province of Mercia would be that of the Church of England at the point of its formation minus any elements that were supportive of same-sex relationships and gender transition. In order to publicly show its alignment with other orthodox Anglican around the world the province could formally declare its allegiance to the 2008 Jerusalem Declaration.

The law of the province

7.5.14. The law of the Province would be that of the Church of England at the point of its formation minus any elements that did not apply to the new province (such as provision for Cathedral

chapters) and any elements that were supportive of same-sex relationships and gender transition.

The liturgy of the province

7.5.15. The liturgy of the province would be the 1662 *Book of Common Prayer*, the 1662 *Ordinal* and *Common Worship*. Any liturgy that had been introduced in *Common Worship* to mark same-sex relationships or gender transition would not be permissible.

Ministry in the province

7.5.16. The forms of ordained and lay ministry current in the Church of England would continue in the new province. Women would therefore be eligible to serve as deacons, priest and bishops. Parishes unable to accept the ministry of women as priests or bishops could request to come under the oversight of a male bishop who shared their convictions.

7.5.17. The Patronage system would continue in the new province. The rights of presentation held by bodies such as the Church Pastoral Aid Society and Church Society and by private individuals would remain unchanged. Rights of presentation belonging to a bishop or to the Dean and Chapter of a cathedral would be automatically transferred to the bishop of a parish's new diocese.

7.5.18. Candidates for ordained ministry would be selected using Bishops Advisory Panels. These would be organised by the Church of England Ministry Division as at present, but the selectors would be members of the new province. The dioceses would establish a list of approved colleges and courses for ordination training. They might also establish their own training courses.

7.5.19. Clergy from the other provinces in the Church of England could transfer to serve in the new province subject to them being judged suitable by the bishop of the diocese concerned and subject to their personal life being in accordance with the requirements that clergy should not be involved in a sexual relationship outside (heterosexual) marriage and that gender transition would be a bar to ministry.

7.5.20. Because ministers in the province would be ministers of the Church of England they would continue to be eligible to serve as Anglican chaplains in hospitals, schools, prisons and the armed forces.

The governance of the province

7.5.21. The Province of Mercia would be governed by a Convocation consisting of the bishops and elected members of the clergy and an elected House of Laity.

7.5.22. The members of the Convocation and of the House of Laity would be members of the General Synod of the Church of England. They would speak and vote at Synod and the House of Bishops on matters of common concern to the Church of England as a whole. They would not speak on matters pertaining to the Provinces of Canterbury and York unless invited to do so and would not be able to vote on such matters. Legislation passed by the General Synod would apply to

the Province of Mercia only if there were specific agreement from the province that it should apply, with appropriate modifications if necessary.¹²⁵

7.5.23. The Convocation and the House of Laity would also form the Provincial Synod of the Province of Mercia. This would meet separately from the General Synod to consider matters concerning the province. It would have the same law-making powers as the General Synod, but could create law only on matters relating to the province.

7.5.24. Each diocese and deanery would have its own synod and there would be Diocesan Boards of Finance and Education. A Diocesan Board of Education would be necessary because church schools belonging to parishes that had become part of one of the new dioceses would be the responsibility of that diocese. Where church schools served both parishes in a new diocese and parishes in one of the old dioceses then there would need to be local arrangements to ensure that there was fair representation from both dioceses in the governance of these schools. This would be similar to the arrangements already in place in ecumenical schools.

7.5.25. It would be possible for dioceses of the Province of Mercia to reach agreement with dioceses in the other provinces to provide shared services on matters such as property maintenance, safeguarding or legal services.

7.5.26. The dioceses in the new province would relate to the Church of England Pensions Board and the Church Commissioners in the same way as the dioceses in the provinces of Canterbury and York.

Establishment

7.5.27. The Province of Mercia would remain part of the established church. This would mean that parishioners would continue to have the right to worship and to be baptized, married or buried in or from their parish church in the province in accordance with the law applicable within the province.

7.5.28. Bishops in the province would be appointed by the monarch on the basis of names agreed by a Crown Nominations Commission consisting of representatives from the province.

7.5.29. Legislation from the Provincial Synod would need to receive royal assent after having been considered by the Ecclesiastical Committee in Parliament.

Ecumenical Relationships

7.5.30. The Provincial Synod would decide whether the existing ecumenical relationships of the Church of England would apply on the basis of whether the theology and practice of the other churches involved was compatible with that of the province.

Church Planting

7.5.31. Church planting would continue to take place, as it does at present, under Bishop's Mission Orders. Whether in a diocese of the Province of Canterbury, the Province of York or the new

¹²⁵ This would be similar to the way in which existing measures of the Church of England can be adopted with modifications for the Diocese in Europe, the Isle of Man and the Channel Islands.

province, the planting of a new church would require the consent of the bishop of the relevant diocese.

Process

7.5.32. More details about the processes that would be involved in the establishment of a new province are given in Appendix 2 below. Appendix 2 rightly explains the severe difficulties that establishing a new province would face. However, as God asks Sarah in Genesis 18:14 'Is anything too hard for the Lord?' The answer, of course, is 'no.' God is sovereign and can work miracles, so we should not rule out a provincial solution as something that is simply impossible to achieve, in spite of the complexity of the process involved and the likelihood of strong opposition. As we have already noted, 'with God all things are possible' (Matthew 19:26), and if the benefits of establishing a new province would be worth the effort involved then it is something the orthodox Christians ought to be prepared to attempt.

7.6. Sacrifices involved in the formation of the Province

7.6.1. It needs to be noted that the formation of the province would involve serious sacrifices from three groups of people.

7.6.1.1. *First*, assuming that the number of dioceses in the new province was, initially at least, significantly lower than the number of dioceses in the current Church of England, it seems unlikely that all orthodox bishops from the Church of England who wanted to serve as bishops in the new province would be able to do so. They would thus be faced with the difficult decision about whether to remain in their existing episcopal post or relinquish the exercise of episcopal ministry for the time being at least.

7.6.1.2. *Secondly*, there would also be orthodox clergy whose parishes had decided to remain in one of the existing provinces and who would also have no guarantee of a new post in the new province. They too might have to choose between remaining in their existing province or relinquishing the exercise of their ministry.

7.6.1.3. *Thirdly*, there would be orthodox laity whose parishes had decided to remain in one of the existing parishes. They too might be faced with a difficult choice of whether to move to a new church and if they are a lay person employed by a church this decision would also involve deciding whether to give up their job.

7.6.2. *Fourthly*, it needs to be noted that the establishment of a new province would have to involve a serious discussion about money. It seems likely that the parishes that would vote to join the dioceses of the Province of Mercia would include many of the largest contributors to the finances of the dioceses from which they would leave. This would potentially leave these dioceses, many of which are already critically short of money, in a very precarious financial position. There would therefore need to be a detailed negotiation involving the existing dioceses, the prospective new dioceses, the Church Commissioners and the Pensions Board to establish a new financial settlement for a reconfigured Church of England which would be fair both to the new dioceses and to the existing ones.

7.6.3. These four issues are crucial. If the formation of a new province is to be advocated, and if it is to gain wide support within the Church of England, these four points will need to be acknowledged head-on and addressed comprehensively and persuasively.

7.7. Departure from the Church of England

- 7.7.1. Should the Church of England refuse to agree to a provincial restructuring, orthodox Christians in the Church of England would then be faced with the choice between remaining in the Church of England in spite of its now official unorthodoxy, while finding a way of continuing to differentiate themselves from it, or adopting Option E in Chapter 5 and take steps to establish a new Anglican province separate from the Church of England.
- 7.7.2. This will be a very painful and difficult choice which will need to be taken in the light of the considerations set out in paragraphs 5.4.31 and 5.4.33 above. We need to recognise that it is likely that orthodox clergy and laity will almost certainly reach different decisions about the matter, just as they have done in the United States and Canada and, this being the case, it will be important to retain as much unity as is possible across this divide and not to think, speak or write in an unduly critical way about orthodox brothers and sisters who have in good conscience made a different decision from our own.
- 7.7.3. As we noted in Chapter 4, part of the application of the sixth and ninth commandments concerning murder and false witness is that, however strongly we disagree with people, and however much this may incline us to want to attack them in word or deed, these commandments still apply and so we may not do so. We may legitimately criticise their beliefs or actions, but we may not attack them as people, but should instead seek to love them as Christ has loved us.
- 7.7.4. If a new province outside of the Church of England were to be formed, part of its formation would need to involve negotiation between representatives of those planning to leave and the Church of England about the division of property and other assets between the Church of England and the new body. The aim would be to reach an equitable settlement between the two sides with the transfer of parish churches and parsonage houses to the parishes of the new province being a key issue.
- 7.7.5. The settlement reached between nine parishes of the ACNA Diocese of Pittsburgh and the TEC Episcopal Diocese of Pittsburgh might act as a starting point for an agreement of a similar kind in this country. This settlement allowed the ACNA parishes to continue to use their historic churches subject to the terms of a financial agreement with the Episcopal Diocese. More details of this agreement can be found in Appendix 1.

Part IV. Where we have got to

Chapter 8. Summary and Recommendations

8.1. Summary

8.1.1. What we have seen in this Paper is as follows.

8.1.2. *First*, the prevalent narrative in British society celebrates the way in which men and women have been liberated from the shackles of traditional morality and set free to live in an alternative way. This alternative way of life challenges six key beliefs that Christians have traditionally upheld.

- That human beings are created in God's image and likeness as male and female and that the distinction between men and women is a matter of biology which people do not have the capacity to change.
- That marriage, sex and the procreation of children belong together;
- That marriage is meant to be for life and that divorce is therefore in most circumstances no more than second best;
- That it is not permissible to deliberately end the life of an unborn child;
- That it is not right for people of the same sex to have a sexual relationship, or for such a relationship to be called marriage;
- That a life of singleness and sexual abstinence is a Christian vocation that is as valid and fulfilling as marriage.

8.1.3. The challenge to these beliefs has raised the question of whether Christians should uphold their traditional beliefs or adapt or abandon them to fit in with the prevailing attitudes within British culture.

8.1.4. In recent years the focus of this question has been on whether Christians should accept same-sex relationships (including same-sex marriages) and gender transition.

8.1.5. *Secondly*, in Britain the last few decades have seen the legal recognition and widespread social acceptance of both same-sex relationships and gender transition. However, there is still substantial disquiet about both issues.

8.1.6. *Thirdly*, in the Church of England, as in other churches, there has been disagreement over both of these issues. In relation to same-sex relationships there is disagreement over five questions:

- What should pastoral care of people with same-sex attraction involve?
- Is it morally acceptable for two people of the same sex to have sexual intercourse?
- Is it acceptable for someone who is in a same-sex sexual relationship to be ordained?
- Is it appropriate for the Church to bless lesbian or gay relationships?

- Can a relationship between two people of the same sex rightly be called marriage?

8.1.7. With regard to gender transition the disagreement is between those who hold four different views of the matter:

- To reject one's biological sexual identity is to go against the will of God.
- While the existence of gender dysphoria is a result of the fallenness of creation, helping people to adapt their bodies to meet their own sense of their gender identity may sometimes be an appropriate part of a medically-led response to this particular aspect of the Fall.
- The existence of transgender people has nothing to do with the Fall, but is simply part of the essential diversity of God's good creation. God has simply made some people transgender in the same way he has made some people left-handed and they should be encouraged to live accordingly.
- The genderless nature of God means that we need to challenge the whole idea that being male or female is a necessary part of human identity.

8.1.8. Those who hold the first view would oppose gender transition; those who hold the second view might countenance medical interventions including forms of cosmetic surgery¹²⁶; while those who hold the last two would be prepared to support full gender transition.

8.1.9. On same-sex relationships the Church of England continues to hold that sexual intercourse between people of the same sex is contrary to the will of God, that marriage is between two people of the opposite sex, that the Church should not bless same-sex relationships, and that those who are in same-sex sexual relationships should not be ordained.

8.1.10. However, all these points are contested by many in the Church and it is not clear how the Church of England's view on them will develop as a result of the 'Living in Love and Faith' project.

8.1.11. On gender transition the Church of England's official view is that those in the Church may either support or reject it. However, the recent pastoral guidance from the House of Bishops approving the use of the service of the re-affirmation of baptismal vows to mark gender transition has involved a *de facto* move towards official support for it.

8.1.12. *Fourthly*, it is not legitimate for Christians to regard same-sex relationships and gender transition as adiaphora. They are not adiaphora because they are both serious moral errors that involve a fundamental rejection of the implications of God's act of creation.

8.1.13. Christian anthropology holds that human beings are created by God to be male or female with their sex being determined by their biology. Sexual activity and sexual differentiation are

¹²⁶ In their view, there may be people with such extreme gender dysphoria as a result of the fallenness of creation that it might be considered medically reasonable to pursue some form of cosmetic surgery to allow them to live as a person of the opposite sex as a relief of symptoms.

inseparable. Men and women are created to have sex with each other in exclusive and permanent marriage normally leading to procreation.

8.1.14. Gender transition separates people's gender from their sex and leads people to claim an identity contrary to the sexual identity which they were given by God. Same-sex relationships involve a man refusing to accept that as a man he was created by God to have sex with a woman or a woman refusing to accept that as woman she was created to have sex with a man. Both of these moral errors involve saying 'no' to the way God has created his human creatures to be.

8.1.15. Although both are thus very serious moral errors this does not necessarily mean that orthodox Christians must of necessity entirely separate from churches in which they are permitted, practised or advocated. It may be possible still to recognise them as Christian churches, and therefore to be in some form of fellowship with them, providing they retain a general commitment to the 'main parts of Christian truth,' even though they have erred grievously in respect of these particular matters.

8.1.16. *Fifthly*, however, in order to be salt and light by bearing clear witness to Christian truth, orthodox Christians need to differentiate themselves from those individuals and churches who have erred over these issues. There are five forms this differentiation might take for those who are in the Church of England:

- a. Action by orthodox clergy and parishes to uphold and propagate godly teaching and practice and to protest publicly against error, and the formation of society to provide the orthodox with visibility and mutual support.
- b. Delegated Episcopal Oversight
- c. A new diocese or dioceses
- d. A new provincial structure
- e. Departure from the Church of England

8.1.17. *Sixthly*, If the situation in the Church of England remains as it is at present then option a. (action by clergy and parishes) and the creation of a society through the development of the Diocesan Evangelical Fellowships and the national work of CEEC, is an urgent and appropriate one to take. This action should involve working through the synodical structures of the Church of England and, with faith in God's unlimited power, should have as its goal not merely the defence of the status quo, but a revival of faith that would bring transformation to the life of both the Church and our nation.

8.1.18. However, if in spite of such efforts the Church of England decides to offer 'pastoral accommodation' in the form of allowing services which give recognition to same-sex relationships then option b. (Delegated Episcopal Oversight) would be required. There would be a need for delegated oversight from orthodox bishops for orthodox parishes in dioceses where the diocesan bishop was prepared to approve such services. A robust form of delegated oversight such as the one set out in 6.3 above should be sufficient to rule out the need for option c. (a new diocese or dioceses). However, in the absence of a sufficiently robust form of delegated oversight, there would still be a need for the more radical option.

8.1.19. If the Church of England formally changes its doctrine or liturgy to accommodate same-sex relationships and to give greater support to gender transition then option d. (a new provincial Structure) would be required.

8.1.20. If a new provincial structure is requested and refused then it would then be appropriate for option e. (departure from the Church of England) to come into play. Orthodox Christians would have to decide whether they could still in good conscience remain in the Church of England and those who felt called to leave would have to try to negotiate an equitable settlement with the Church of England over the terms of their departure. It would be important for those deciding to leave and those deciding to stay to avoid uncharitable disagreement about the other's decision.

8.2. **Recommendations**

An acknowledgment of our sinfulness

8.2.1. Orthodox Christians need to be honest and penitent about the Church's previous treatment of people with same-sex attraction and gender dysphoria.

A new teaching initiative and a change in Church culture

8.2.2. There needs to be a teaching initiative to help Christians understand why sexual ethics in general are integral to Christian discipleship for all Christians and why same-sex relationships and gender transition are serious moral issues and as such not adiaphora.

8.2.3. There needs to be a change in Church culture so that the traditional Christian sexual ethic is made visible and is shown to be plausible and attractive.

8.2.4. Clergy and laity need to be taught how to understand and engage with the changes that have taken place in our culture in relation to human identity, sexuality and marriage and to relate and minister with understanding and compassion to those with gender dysphoria and same-sex attraction and their families.

8.2.5. Clergy and laity (and particularly orthodox bishops) need to be encouraged and prepared to bear witness to Christian truth on the issues of same-sex relationships and gender transition when this is challenged either in the Church or in the public square so that the orthodox Christian position is not lost. They also need to support others who are doing the same.

Joint activity by orthodox Christians to make the case for orthodoxy and alternative provision

8.2.6. The network of Diocesan Evangelical Fellowships should be developed into a society or association providing orthodox clergy and laity with education and mutual support.

8.2.7. Clergy and laity need to seek election to deanery and diocesan synods and to General Synod in order to influence future developments in the Church of England in an orthodox direction.

8.2.8. Orthodox Christians need to be prepared to argue for a new form of delegated episcopal oversight if new forms of pastoral accommodation are introduced following 'Living in Love and Faith'.

8.2.9. Orthodox Christians need to be prepared to argue the case for a new orthodox province if there is a change in the Church of England's doctrine or liturgy. They need to explain why such a province is required and to have thought through the details of what it would look like.

The need for action, prayer and hope

8.2.10. What needs to happen next is for orthodox Christians to come together to discuss and pray about the specific actions we need to take to make the case for orthodoxy and bring about the required alternative provision.

8.2.11. Orthodox Christians should not take departure from the Church of England off the table, and should respect those whose conscience has already led them in this direction, but they should see it as a last resort which should be opted for only if all other alternatives have failed.

8.2.12. Orthodox Christians should never lose hope in God's power and willingness to transform the Church and our nation in response to the prayers and actions of his obedient people. In the words of the great Baptist missionary William Carey: 'Expect great things from God. Attempt great things for God'.

8.3. In conclusion

8.3.1. As the Preface to this document declares:

We believe in a God who is not merely personal, but who is inherently and perfectly relational. God is love, because God is three persons in one: Father, Son and Holy Spirit, different but equal, in full and unending harmony. Out of love, God created the entire universe, with human beings as the pinnacle of his creation. Being a relational God, he created us for relationship with himself and for a wide range of relationships with each other. He created human beings male and female, different in form but equal in worth, each bearing his image, called together to govern creation on God's behalf. When joined in the distinctive relationship which is marriage, men and women are able to assist in the divine task of governing creation well by procreating, that is, by creating more image-bearers on God's behalf. Their children are also male or female, and they may in turn create yet more human beings. The union of a man and a woman in one marriage is a rich picture of God's own loving nature, displayed in the unshakeable loyalty of husband and wife to each other, their collaborative and creative rule over the world, their mutually respectful delight in each other, their experience of sexual, physical and emotional fulfilment, and their security and contentment. God intended this symbol of his divine attributes to be woven into the nature of human existence and, like all of his works of creation, it is 'very good' (Genesis 1:31).

8.3.2. This paper has noted the contemporary challenges to this belief in our society and also in the Church of England. It has also considered what action orthodox Christians need to take in response to these challenges. The authors' prayer is that orthodox Christians will be faithful in taking these actions knowing that we have a God with whom 'nothing is impossible'.

Appendices

Appendix 1 - Two examples of possible ways of handling divisions in the Church over human sexuality.

1. Agreement in Pittsburgh

In 2008 there was a realignment within what was then the Episcopal Diocese of Pittsburgh in The Episcopal Church in the United States that led to thirty-six parishes leaving to form the Anglican Diocese of Pittsburgh that became part of the Anglican Church of North America when that was formed the following year.

Twelve of the parishes that became part of the Anglican Diocese owned their own property. Twenty-four of the parishes, however, used buildings that the courts eventually decided belonged to The Episcopal Church and hence to the continuing Episcopal Diocese of Pittsburgh.

In 2018 after a process of mediation between the two sides an agreement was reached between the Episcopal diocese of Pittsburgh and nine of the parishes concerned.

This agreement was based on a recognition by both parties to the agreement that each was seeking to respond to the call of Christ as they perceived it, an agreement to put the past behind them and an agreement by both sides to seek a blessing for the other.

Under the agreement:

- The parishes would own the legal title to the buildings, but the Episcopal Diocese would retain beneficiary rights in them;
- The parishes could continue to use their buildings as part of the Anglican Diocese of Pittsburgh and would be responsible for the costs and upkeep involved;
- The parishes would pay an agreed proportion of their parochial income to the Episcopal Diocese every year as a fee for the use of the buildings.
- With the agreement of the parishes the Episcopal Diocese could use the buildings for specific purposes such as funerals, weddings, baptisms and pastoral counselling.

The significance of the Pittsburgh agreement is that unlike in other parts of the Anglican Communion, churches in Pittsburgh that have left an existing Anglican church over the issue of sexuality have reached an agreement that will allow them to continue to use their existing property. The question is whether this could provide a model for other places as well.

2. A Way Forward - The United Methodist Church

In February 2019 a special General Conference of the United Methodist Church, the world's largest Methodist Body, considered a Paper entitled *A Way Forward* which contained three proposals for a way forward for the UMC on the issue of human sexuality.¹²⁷

The *first* proposal, called the 'One Church Plan,' proposed amending the UMC's *Book of Discipline* to allow, but not require, UMC clergy to perform same-sex weddings in countries where these are legal, and to allow, but not require, annual conferences to ordain LGBTQ ministers.

¹²⁷ The Paper can be found at <http://www.umcom.org/news/way-forward-commission-Paper>.

Under this proposal local churches would still have had the right not to allow same-sex weddings or have an LGBTQ minister.

The *second* proposal, called 'The Connectional Conference Plan,' proposed the introduction of three 'values based' connectional conferences in the United States to which American UMC churches could belong.

There would be a 'Traditional Connectional Conference,' in which same-sex weddings could not take place and those in same-sex relationships could not be ordained. There would be a 'Unity Connectional Conference,' in which Pastors were allowed but not required to perform same-sex weddings, annual conferences were allowed but not required to ordain those in same-sex relationships and local churches were allowed but not required to receive an LGBT person as their pastor. *Finally*, there would be a 'Progressive Connectional Conference,' in which same-sex weddings were performed by all pastors, all annual conferences would ordain qualified LGBT persons, and all local churches would welcome LGBT pastors.

UMC churches outside the US could either join one of these three Conferences or form Connectional Conferences of their own.

The *third* proposal, called the 'Traditionalist Plan,' proposed maintaining and enforcing the existing discipline of the UMC under which same-sex weddings cannot not take place and those in same-sex relationships cannot not be ordained. Churches that could not accept this would be encouraged to leave the UMC and form their own new church in the Wesleyan Methodist tradition that would maintain a continuing connection with the UMC through a concordat agreement.

The General Conference voted by 53% to 47% in favour of the Traditionalist Plan, but at the time of writing the validity of this decision is matter of continuing controversy and legal action within the UMC.

What is significant for Anglicans about *A Way Forward* is that both the second and third proposals put forward a way of addressing divisions over sexuality that would allow churches with different convictions to differentiate themselves from each other while still remaining in some form of agreed ecclesial relationship. The issue is whether Anglicans could develop something similar.

Appendix 2 – Some risks to be aware of

A: Public Perception

The first risk we need to be aware of is the danger of the arguments and proposals set out in this Paper being automatically disregarded as ‘homophobic’ or ‘transphobic.’ In order to reduce this risk, it is important:

- (a) to emphasize that what is in this Paper involves a challenge to all people and not just to people who are same-sex attracted or who have issues about their sexual identity;
- (b) to make sure that those who speak or write on the issues covered in this Paper are well briefed and use language that is sensitive and careful;
- (c) to exercise graceful restraint in not responding in kind, or not at all to critical/denunciatory responses from opponents;
- (d) last, and absolutely not least, to engage in persevering prayer.

B: Congregations

It will be important to keep in mind that our congregations as a whole, and various groupings of ‘Evangelical Anglicans/Anglican Evangelicals’ are far from monochrome. Those who have care for the churches are called both to drive out error and to strive for the unity of the whole body of Christ. This requires sensitivity to those in our congregations and communities who struggle with same-sex attraction. It also means listening carefully to church leaders who are serving in parishes and communities which are already divided - in some cases deeply – by this issue. Dividing the flock is one of Satan’s characteristic weapons. As in the previous point, sensitivity in word and deed will be critical.

C: Mission

In addition to the risks identified above which may make the challenge of sharing the Good News of Jesus more challenging, we must also be aware of the danger of diverting energy and resources from evangelism, pastoral care and community action. Each congregation or other grouping will of course decide for itself the relative priorities which inform their mission strategies. The risk of a considered strategy being warped by one issue must be kept in mind, especially if it is an issue receiving much public and media attention.

D: Synodical and Parliamentary Processes

The Church of England’s synodical processes for making decisions on matters of doctrine and liturgical practice are deliberately framed to ensure a wide degree of acceptance, both with regard to bishops/clergy and laity, and parishes/deaneries/dioceses and the national church. In essence these processes mean that it is easier to block things than it is to gain approval for change. In that sense the processes are essentially conservative, meaning maintaining the status quo – which is not to be

confused with maintaining the status quo ante. The degree of restraint which this places on change varies according to the level and the nature of the issue.

The significant requirements are set out in Articles 7 and 8 of the Constitution of the General Synod. Perhaps the most important for the sexuality issue is the provision in Article 7 that:

(1) A provision touching doctrinal formulae or the services or ceremonies of the Church of England or the administration of the sacraments or sacred rites thereof shall, before it is finally approved by the General Synod, be referred to the House of Bishops, and shall be submitted for such final approval in terms proposed by the House of Bishops and not otherwise. [emphasis added]

(2) A provision touching any of the matters aforesaid shall, if the Convocations or either of them or the House of Laity so require, be referred, in the terms proposed by the House of Bishops for final approval by the General Synod, to the two Convocations sitting separately for their provinces and to the House of Laity; and no provision so referred shall be submitted for final approval by the General Synod unless it has been approved, in the terms so proposed, by each House of the two Convocations sitting as aforesaid and by the House of Laity.

...

(5) Standing Orders of the General Synod shall provide for ensuring that a provision which fails to secure approval on a reference under this Article by each of the four Houses of the Convocations or by the House of Laity of the General Synod is not proposed again in the same or similar form until a new General Synod comes into being, except that, in the case of objection by one House of one Convocation only, provision may be made for a second reference to the Convocations and, in the case of a second objection by one House only, for reference to the Houses of Bishops and Clergy of the General Synod for approval by a two-thirds majority of the members of each House present and voting, in lieu of such approval by the four Houses aforesaid. [Emphasis added].

In addition, Article 8 requires that:

(1) A Measure or Canon providing for permanent changes in the Services of Baptism or Holy Communion or in the Ordinal, or a scheme for a constitutional union or a permanent and substantial change of relationship between the Church of England and another Christian body, being a body a substantial number of whose members reside in Great Britain, shall not be finally approved by the General Synod unless, at a stage determined by the Archbishops, the Measure or Canon or scheme, or the substance of the proposals embodied therein, has been approved by the majority of the dioceses at meetings of their Diocesan Synods, or, in the case of the diocese of Europe, of the bishops council and standing committee of that diocese. [Emphasis added]

...

(1C) A motion for the final approval of a Measure providing for permanent changes in any such Service or in the Ordinal shall not be deemed to be carried unless it receives the assent of a majority in each House of the General Synod of not less than two-thirds of those present and voting. [Emphasis added]

These provisions – which are enshrined in law – add up to a formidable obstacle course for proposals for controversial changes. The length of time taken to gain the necessary approvals for the measures to allow the ordination of women well illustrate that. And it adds weight to the point made in section C above about the risks of diverting energy and times from evangelism, pastoral care and community action. Moreover, since synodical proceedings almost always take place in public, they can, and often

do, attract media attention, both national and local – especially when the subject-matter is controversial.

Gaining final approval from General Synod is not the end of the steeplechase. The General Synod's powers derive from the Church of England Assembly (Powers) Act 1919, by which Parliament devolved the legislative powers over the English church which it had taken in the sixteenth century when Henry VIII broke from Rome to what was initially called 'The Church of England Assembly', re-named The General Synod in 1969. The 1919 Act, usually referred to as the 'Enabling Act', established The Ecclesiastical Committee of Parliament, consisting of 15 members nominated by the Presiding Officer of each House of Parliament at the beginning of each Parliament. Once constituted, the process laid down in the Enabling Act is this:

- (1) Every measure passed by the Assembly/Synod shall be submitted by that body's Legislative Committee.
- (2) The Ecclesiastical Committee shall consider all such measures and may invite the Legislative Committee to 'a conference to discuss the measure's provisions'.
- (3) The Ecclesiastical Committee shall then draft a Paper on the draft measure to Parliament stating the nature and legal effect of the measure and its views as to its 'expediency . . . especially with relation to the constitutional rights of all Her Majesty's subjects'
- (4) The Ecclesiastical Committee sends its Paper in draft to the Legislative Committee but is not allowed to present it to Parliament 'until the Legislative Committee signify its desire that it should be so presented'.
- (5) The Legislative Committee then has the opportunity, either on its motion or by direction of the Assembly/Synod to withdraw the measure from further consideration by the Legislative Committee – but it has no power to vary a measure either before or after its conference (see (2) above) with the Ecclesiastical Committee.
- (6) When the Ecclesiastical Committee has Papered to Parliament on a measure submitted by the Legislative Committee, its Paper, with the text of the measure, has to be laid before both Houses 'forthwith' if Parliament is sitting, or immediately after the commencement of its next sitting.
- (7) Each House has then to pass a resolution that the measure as presented to it shall be presented to the Sovereign and when Royal Assent is given the measure 'shall have the force and effect of an Act of Parliament'.

It should be noted that under Section 6 the Enabling Act the General Synod's legislative power is very wide in scope: a measure 'may relate to any matter concerning the Church of England and may extend to the amendment or repeal in whole or in part of any Act of Parliament including this [i.e. the Enabling] Act' – except that a measure cannot make any alteration in the composition or powers or duties of the Ecclesiastical Committee or in the Parliamentary procedure prescribed by Section 4 of the Act (see above).

Three aspects of the process need to be kept in mind. *First*, it is a public process – so MPs and peers can be, and are, lobbied by individuals/groups who have views on the merits or otherwise of a proposed measure. *Second*, the approval of Parliament, although normally – eventually - given, cannot be taken for granted. *Third*, it takes time, both because of the length of the procedure itself and also because consideration of the measure is dependent upon when Parliament is sitting (so not between sessions or between dissolution and the opening of a new Parliament) and the Houses' business managers are willing to find time for it in the often crowded Parliamentary timetable.

E: Health Warning

This paper is not written in order to deter or prevent proposals for action in response to the threat to Biblical orthodoxy in the Church of England with regard to human sexuality (or indeed other matters). Its intention is to ensure that, when deciding, in defence of biblical orthodoxy, whether or not to press for legislation on matters we are concerned about, we make considered decisions. We must take into account (1) the Lord's teaching in Luke 14:28-32 about counting the cost and weighing up the strength of the opposition as well as (2) Luke 14: 34-35 which reminds us of the danger of doing nothing.